Human Security in Sudan:
The Report of a
Canadian Assessment Mission

Prepared for the
Minister of Foreign Affairs

Ottawa, January 2000

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Human Security in Sudan: Executive Summary

1 Introduction

On October 26, 1999, Minister of Foreign Affairs, Lloyd Axworthy and the Minister for International Co-operation, Maria Minna, announced several Canadian initiatives to bolster international efforts backing a negotiated settlement to the 43-year civil war in Sudan, including the announcement of an assessment mission to Sudan to examine allegations about human rights abuses, including the practice of slavery.

There are few other parts of the world where human security is so lacking, and where the need for peace and security - precursors to sustainable development - is so pronounced. Canada's commitment to human security, particularly the protection of civilians in armed conflict, provides a clear basis for its involvement in Sudan and its support for the peace process.

Charm Offensive, or Signs of Progress?

Following the visit to Khartoum of an EU Mission, a political dialogue was launched by the European Union on November 11 1999. The EU was of the view that there has been sufficient progress in Sudan to warrant a renewed dialogue. In this view, there has been a positive change, and it is necessary to encourage the Sudanese, and push them further where there is need. It is the view of the EU that the human rights situation has improved but needs further improvement.

This view echoes, in part, that of the UN Special Rapporteur, Leonardo Franco, who has said that the GOS has adopted some measures deserving recognition and international support. Foremost among these must be the new Constitution, which the GOS, Talisman executives, and others, say protects the rights of the Sudanese people, including their right to properly shared oil revenues.

Mandate

Foreign Affairs Minister Lloyd Axworthy has frequently spoken out against the impact of the civil war in Sudan on human security in that country, and he strongly reiterated his concerns regarding the conflict and the human rights situation during a meeting with the Sudanese Minister of Foreign Affairs in New York in September 1999. The two ministers also discussed the role of the oil sector in Sudan. An Assessment Mission was agreed on, mandated to:

a) independently investigate human rights violations, specifically in reference to allegations of slavery and slavery-like practices in Sudan, and

b) to investigate and report on the alleged link between oil development and human rights violations, particularly in respect of the forced removal of populations around the oilfields and oil related development.

Human Rights and Slavery

Leonardo Franco expressed the view that "the war and the pernicious strategies employed had also revived and exacerbated the problems of slavery in the Sudan", and was concerned about the plight of internally displaced persons, evidence that the war was being conducted in disregard of the principles of human rights, and the GOS bore the largest share of responsibility for violations.

Mike Dottridge, Director of Anti-Slavery, the world's oldest international human rights campaign, said in an appeal to Sudanese President Bashir early in 1999 that "the reality is that people being abducted from communities in northern Bahr al-Ghazal by government-backed militias are being exploited as slaves in the households of militiamen and others."

From UNICEF, from the Save the Children Fund, and from the Dinka Committee which has been in the front-line of attack against this abhorrent situation, we learned that as many as 15,000 women and children, mainly from Bahr El Ghazal, and most of them Dinka, have been abducted and remain in captivity.

Oil and The Exacerbation of Conflict

The October 26 Policy Statement on Sudan stressed that Canada is deeply concerned about reports of intense fighting in the regions of oil development, and that oil extraction may be contributing to the forced relocation of civilian populations residing in the vicinity of the oil fields in the interest of a more secure environment for oil extraction by the GOS and its partners, which include Talisman Energy Inc.

Talisman operates in the Heglig--Pariang area of South Kordofan and Western Upper Nile or Unity State. There are allegations that people were being forcibly displaced from this area.

Violence, and the fear of it, impact immediately on the people's use of the land, and result in food insecurity, which in turn propels movement, or displacement.

The WFP is convinced that the insecurity in Western Upper Nile, also known as Unity State, owes everything to the initial fighting between militia factions over control of the oilfields and the fighting around GOS garrison towns now that the factions have united "to start a full-scale war against the export of the oil out of the South."

The October 26 Policy Statement declared that if it becomes evident that oil extraction is exacerbating the conflict in Sudan, or resulting in violations of human rights or humanitarian law, the Government of Canada may consider applying economic and trade restrictions. The Assessment Mission to Sudan would "help inform the Government of Canada in their examination of such options."

Mission

The mission met in Khartoum, with GOS, opposition, human rights, civil society, and diplomatic representatives, as well as with displaced Southern Sudanese and the UN officials trying to help them. In addition, visits were made to oil pipeline sites north and south of Khartoum, and to Dilling, in the lower reaches of the Nuba Mountains. The mission spent three days at the Heglig operating base of the Greater Nile Petroleum Operating Company, GNPOC, and from this base visited a number of communities in the vicinity.

Locations in the south were also accessed from Lokichokkio, in northern Kenya, the operating base of Operation Lifeline Sudan. This humanitarian operation is a consortium of the UN and major NGOs, and it organizes relief shipments and other forms of assistance for often desparate communities in Sudan.

An Urgent Matter

South Sudan's Bahr Al Ghazal was the scene of a major famine in 1988, and thousands of people died. The UN Resident Co-ordinator for Sudan, Philippe Borel, issued, in October 1999, a briefing note entitled Averting Another Potential Humanitarian Crisis: Western Upper Nile: Another Bahr Al Ghazal?

He is convinced that a humanitarian disaster similar to the Bahr Al Ghazal famine has been brewing in Unity State, Western Upper Nile, with the fighting there threatening to spiral out of control.

2 Slavery or Abduction: A Distinction without a Difference?

The core allegation of slavery in Sudan is not any sensational claim, which can be criticized for inflation of numbers or ignorance of complexities. It is a matter of record. It is the continued assault on lives and liberty of the Dinka people of Bahr El Ghazal by Arab raiders, the murahleen first armed by the GOS in 1985 and figuring, one way or another, in the "war strategies" of the GOS today.

The central question to which the Assessment Mission turned was whether the GOS has been "sponsoring" these raids against the Dinka and others through the practice of "hiring" Baggara tribesmen, in effect the feared murahleen, as a protection force which takes its payment not in cash or kind from the GOS but as booty, the goods and people they can make off with.

Abhorrence of slavery is professed everywhere, including Sudan, where we were strongly told, and not just by the GOS, that slavery does not, and could not exist. Foreign Minister Osman Ismail assured us he would personally intervene in any case of slavery brought to his attention. Ghazi Suleiman, a determined critic of the GOS, and a lawyer who has used the courts to free women and children from abduction, was equally insistent that there was no slavery in Sudan.

UNICEF now follows the practice of the UN Commission on Human Rights, and no longer uses the term Slavery, referring instead to Abduction. The contention over terminology is not simply one of semantics, but is an attempt by persons rejecting the term Slavery to blunt the allegations of its existence by raising instead the tribal practices of Nuer and Dinka, who have had a history of reciprocal raiding and abduction. Setting aside the debate over the word used to describe it, the Assessment Mission was concerned with the practice itself, and there is ample evidence that it is organized, and is accompanied by violence. And there is the end result: the wrongful use of a human being by another; one exercising "ownership" over another.

UNICEF talked to us formally, and some of its field workers and those of other UN bodies did so informally; all were serious about bringing to an end an abysmal situation which disfigures the lives of so many people, particularly in Bahr El Ghazal but not just there.

The Bahr El Arab river, in its western reaches, effectively divides the Dinka to south from the Arabs to north. In 1985, an earlier GOS began to arm Arab militias, the murahleen, as a form of opposition to the SPLA. This practice has mushroomed into armed banditry and lawlessness at best, and the use of the raiding by the murahleen against Dinka communities as a war strategy at worst.

We were told that there are really three different phenomena in the Slavery/abductions issue. First, there is armed and organized raiding in which the role of the GOS is not clear, and is likely complex. Sometimes, we were informed, the GOS provides arms, sometimes the groups of murahleen go off on their own. Tribal groups have been known to organize raids with "representatives" from other Arab groups; returning with children, women and cattle taken in these raids, all of them have had a common celebration.

Then there is the train which carries GOS supplies from the north down through Aweil and Wau in Bahr El Ghazal, down through contested territory. We believe there is formal recruitment by the GOS of militia to guard the train from possible SPLA attack. These murahleen then go out from the train and attack villages suspected of supporting the SPLA on the way from Babanusa to Wau and back. Their booty consists not just of goods, but also of women and children.

Finally, we were told of joint punitive raids carried out by the GOS and the murahleen, who, under the Popular Defence Act, can enjoy status as state-sponsored militias, the PDF.

The Committee on the Eradication of Abductions of Women and Children

We met with the new Committee on the Eradication of Abductions of Women and Children, and heard how this group sees the problem and how it should be addressed.

We were then told that, yes, there was speculation that there have been abductions from the train. CEAWC held meetings in Aweil and Wau and developed a two-fold plan. There would be workshops in Wau, Babanusa and Aweil to ensure the murahleen and tribal chiefs understood the ill-effects of abduction and how it hurt Sudan's reputation. Next, the Aweil sub-committee would be told to prevent any child from boarding the train, but one related problem was that not all children were abductees; some want to travel to the north for work.

One official expanded, saying that the train needs protection as it passes through rebel areas and the murahleen who provide protection used to take children to help them make tea during the journey. There are stories of the murahleen giving families tea and sugar, in return for allowing the children to serve tea and coffee to the murahleen along the way.

We cannot give credence to "explanations" such as this. It appeared to us that the issue was not one of children "riding the train", but of the murahleen using the train as a base for raids and for abducting children. It was stressed to us that the GOS is not involved with the murahleen, and their abductions constitute a crime taking place in areas not fully under GOS control.

Where the GOS is fully in control, there is no problem, we were told. The problem is instability. Until the war is ended, the GOS won't have control, and the problem will persist.

We were also confronted by the "cultural" explanation, the essence of which is that there are always fights in this part of Sudan; both parties raid, they take women and children; this is not slavery, it is retribution and revenge.

We knew that CEAWC had been created only since May 1999, and that for ten years before that, a group of Dinka leaders had been working to combat abductions [redacted] We were later able to go [redacted] to a "safe house" for abducted children in Khartoum, where they are housed prior to re-unification. There were about 40 children present, and some had been there 3 to 6 years. Others have been there only a matter of months.

UNICEF

UNICEF wants to advocate mass voluntary retrievals, and feels this can only succeed if the President, ministers, officials, the media, religious leaders, tribal leaders and intellectuals from the Baggara all participate in a national effort to end abduction. If such a mass movement were to be led by the President and/or the First Vice President, UNICEF believes that 90% of abductees, perhaps more than 14,000 children and women, would be retrieved within a few months.

The point was made that the President, the Minister of Justice, and the Minister of Foreign Affairs have never spoken publicly about Abductions. It was suggested that for them to do so would be construed as admitting there was a slavery problem in Sudan. Certainly, when the Minister of Foreign Affairs told us he would get involved in any slavery case, he was silent in respect of abductions.

We were also told there are CEAWC members who see their role as being to show that there is no problem, and though we cannot judge whether this is so, some of the views expressed to us by committee members seemed more related to denial than demonstrative commitment. A case in point must be the argument that Dinka children willingly travel by train in Bahr El Ghazal to make tea for Arab guards. But the fact that the CEAWC framework now exists surely means that international pressure matters in Sudan today, and this reality is heartening the UN workers in the field.

These workers do not see abductions as the result of "tribal fights", and since 1986, there have been no "tribal fights" as such between the Dinka and the Rizzegat. Nor do they have evidence that the Dinka are engaged in this practice of abduction into slave-like status. UNICEF has asked for lists of abducted Rizzegat children, but have never received them.

Here it is appropriate to acknowledge that abduction has certainly figured in relations between Dinka and Nuer, to the point where the GOS, and groups such as the Sudan Foundation, have asked why, in the Wunlit Accords fostered by Christian church groups, is the practice termed "Abduction" but these same groups use "Slavery" when talking of Arab/Dinka abductions?

It should be said that this Dinka-Nuer abduction is done by both sides, which not only impacts on how victims are treated, but gives an impetus to efforts aimed at ending the practice. Both sides have a stake in the success of such efforts. However, there is no pattern of Dinka abduction of Arab women and children, and only the GOS can make the murahleen see the need to eradicate their practice of abductions.

Yes, for consistency's sake, it is perhaps more appropriate to refer to Abductions wherever they occur in Sudan , and whoever they involve, which in no way lessons the moral and legal obligation on the GOS to eradicate, not condone, the practice.

Aweil and the infamous train lie at the root of this problem, according to UNICEF. The GOS does clearly have a responsibility. It is essentially a Government train,taking supplies to the garrison maintained by the GOS, and the murahleen are there on behalf of the GOS, and should be controlled by the GOS. One former political figure had only this to say about CEAWC: if there is no change to the policy of engaging the murahleen to guard the train but not paying them, then how will the practice be stopped? If you want to be serious about this problem, pay the murahleen and warn that if anything happens, by way of looting and abduction, they will be responsible.

Redemptions

The UNICEF workers said there is no evidence that "redemption" is actually fuelling the abduction problem, whether the redemption was real or "staged". Several informants reported various scenarios involving staged redemptions. In some cases, SPLM officials are allegedly involved in arranging these exchanges, dressing up as Arab slave traders.
The profits are used to support the SPLM/A, buy arms and ammunition, and even to build a power base in opposition to John Garang, which, it is said, has caused a rift in SPLM/A, because those who object (including Garang) are reluctant to publicly expose it for fear of splintering the rebel movement. Sometimes a "redeeming group" may be innocently misled, but other groups may be actively committed to fundraising for the SPLM/A, and deliberately use "slave redemption" as a successful tactic for attracting Western donors.

We did speak with an eyewitness who can confirm observing a staged redemption and this testimony conformed with other reports we had from a variety of credible sources.

Interestingly, even UNICEF has been accused of "Staged abduction redemption", in their case of recycling children from IDP camps. The accusations force UNICEF to be sure to focus on proper documentation, and it wishes CSI and others lived by the importance of this aspect of the struggle.

Some Conclusions

The Governor, or Wali, of Bahr El Ghazal is said to have told a German parliamentary delegation bluntly that although he is governor and head of security, his decisions are only hypothetical – the Sudanese Army and security do what they want.

We cannot say what these state institutions want, but the practice of Arab raiders making life hell in Dinka villages in Bahr El Ghazal is either a measure of the inability of Sudan, a state at war, to provide human security to its citizens, or it is a war strategy, one wilfully dismissive of humanitarian law as it applies to internal conflict. It would have to be one rooted in a cultural disdain for the Dinka by the Arab elite which cannot admit to itself or others that something very much like slavery is going on under their noses and so, shamefully turns a collective blind eye.

Either condition demands serious effort by the GOS to redress the situation. The support for armed raiders must stop, and the GOS must find the will and the way to look at the practice clearly, and move firmly to eradicate it.

The creation of CEAWC is a first step, but so far an insufficent one, towards ending a practice, Abduction into a condition of being owned by another person, which must be stopped. At this time, perhaps 15,000 Sudanese women and children live in such a terrible status. The GOS, focusing on the visible absence of "classical Slave markets",bridles at the use of the term Slavery more than at the plight of these women and children, and for this absolute misplacement of moral indignation there can be no sympathy whatsoever. Certainly, all our sympathy is with the women and children and their devastated communities.

That so many of these communities are preyed on by those relied on by the GOS to guard its supply-lines places the burden of responsibility on that government, and it must bring this practice to an end. It cannot rely on the efforts of CEAWC alone.

CEAWC is the progeny of the Ministry of Justice in Khartoum, and spokesmen for the ministry have said that the regional machinery of the ministry has been tasked with assisting CEAWC in carrying out its mandate, and applying the rule of law. **To the extent that this regional machinery can be made more effective in this aspect of its work, perhaps here there is room for Canadian assistance?** The CEAWC is now receiving funds from the European Union, channelled through UNICEF, and the EU maintains that it will be monitoring the progress of CEAWC in the course of its re-engagement with Sudan. **Canada could join with those who are**

determined to press CEAWC into improving the effectiveness of its work, and this does require vigilant resourcing.

One way of proceeding is to fund UNICEF, both as regards its support for CEAWC, and in fulfilment of UNICEF's own programme of technical assistance in Sudan. For example, it has developed a project proposal aimed at decentralising the field work of CEAWC and a major proposal on "Peacebuilding and human rights protection in war-effected communities in Sudan". This far-reaching proposal aims at promoting women and youth participation and supporting their peace initiatives. This would link very effectively with the focus on **field monitoring, which would be greatly assisted if Canada were to help provide affected communities with training and equipment to record any murahleen raids.**

One useful approach might be to establish a Canadian Committee on Abduction in Sudan, involving major government departments and concerned civil society groups, which could advise on ODA funding for anti-abduction initiatives in Sudan. One anti-abduction initiative that rightly attracts favourable attention is the work of the Dinka Committee, headed and galvanized by James Agwair. **It would be very helpful if Canadians were given a chance to hear directly from James Agwair about the abduction problem faced by his Dinka people in Sudan.**

Finally, neither the 1926 Slavery Convention, nor the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery require countries to report on measures taken against slavery, nor have they established any form of permanent treaty-monitoring committee (in contrast to most recently adopted United Nations human rights instruments).

Canada could take a strong lead in campaigning for permanent monitoring mechanism, and could seek the involvement of the ILO in fleshing-out a mechanism/system of procedures, as the history of the ILO since 1919 has been focussed on such a contribution to human security through international law and due process.

3 Internal Displacement and Forced Removals

The UN has stressed that the crisis of internal displacement affects over 20 million people worldwide. In response to this situation, the Secretary-General's Special Representative on IDPs, Mr. Francis Deng, a Sudanese national, has issued Guiding Principles on Internal Displacement. These respond to the fact that persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries, nearly always they suffer from severe deprivation, hardship and discrimination. The national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons, but the need for these things, the deprivation, hardship, and discrimination, can often be laid at the door of those authorities in the first place.

But what is the reality? A local official from Nhialdiu: "Civilians, cattle, children, have been killed, and our homes burnt. We don't think we are included in the human rights of the world." Or a woman from the same village: "Our tukuls have been burnt. I hope you will convey that we are people, we cannot go and eat grass like a cow."

Leonardo Franco has stated that up to 4.5 million people have been displaced in Sudan since the beginning of the current phase of civil war in 1983. In his report to the UN General Assembly, he reiterated his concern at the prolonged war which "has affected mainly the civilian population, whose plight should be regarded as one of the most pressing human rights concerns facing the international community".

The UNDP believes that as many as 1.5 million IDPs are now living around Khartoum, which is overwhelming the authorities. We visited one of the smaller camps for IDPs, Wad El Bashir. It "houses" about 50,000 people, some of whom had been there for as many as 7 years. Most IDP households are headed by women. In order to survive and feed their families, in circumstances where there are no jobs and no financial support from government, the women have to do what they can. When they turn to producing alcohol, as many do, the results are catastrophic. The activity is illegal in Sudan though it does earn the women a subsistence income. Perhaps the authorities are against it as much for this reason as any other. In any event, the result is often heavy fines and very hard imprisonment, sometimes children incarcerated along with mothers, further family break up and destitution all round.

In discussion with UN workers engaged with the IDP problem, we learned that there are IDP camps in other parts of Sudan too. There are three official camps in West Kordofan, and, again, there are IDPs resident in them who have been there for 10 years. In South Darfur, there are fifteen camps, with more IDPs outside them than inside.

Displacement and Oil

We were naturally interested in people moving, or being moved, because of oil development, which led us to travel outside Khartoum, once to the north, along part of the pipeline route to the new refinery being built mainly by Chinese contractors, and once to Dilling, in the Nuba Mountains, to the site of a pumping station on the pipeline. On each occasion, we were assured that local people who had to be moved because of the pipeline were given compensation.

We were also interested in the non-Arab peoples who lived near oil development, and we learned that in Khartoum there is a Pariang Association. Pariang, sometimes known as Faryang or even Panriang, was described to us by Talisman Energy Inc. as a Dinka village located on the eastern edge of the GNPOC concession.

The Pariang Association represents people, mainly Dinka, displaced from the Pariang area and now living in the camps for IDPs near Khartoum, camps such as Mayang. The major displacements, or what some have referred to as forced removals, for one part of Unity State, the Pariang area, coincided with the outbreak of factional fighting around the state capital, Bentiu, in May, 1999.

Ruweng County/ Pariang Province

UN Special Rapporteur Leonardo Franco wrote of this area being assaulted in May 1999, with villages on the eastern edge of Heglig being attacked and burnt to the ground. He said that as many as six thousand homes were destroyed, along with 17 churches, all leaving 1,000-2,000 people displaced.

We visited Ruweng twice. The first visit, made possible by Talisman, was to Pariang village, under GOS control. Here, the surrounding territory is not known as Ruweng County, but rather as Pariang Province. The second visit, facilitated by Operation Lifeline Sudan,was to Biem, some distance east of Pariang village. This is an area nominally under SPLA control.

Adding all of our visits and talks together,a composite picture emerges which we believe puts the Franco report in better perspective. But whereas Leonardo Franco focused only on May, 1999, the story begins much sooner, and it has not ended yet. The claim has been made by Talisman Energy Inc. that the"oil field area" has never known permanent habitation,always being the scene of widespread flooding in the rainy season, and of cattle drives and nomad camps in the dry season. But Heglig used to be known by its Dinka name,Aling, and may,before oil exploration in the 1980's, have been home to permanent settlement by the Dinka Panaru. The area to the east of Heglig, towards Pariang village and beyond there into the depths of Ruweng county, certainly was.

Maps made in 1954, prior to Sudanese independence, show that Ruweng County and the area westwards to Heglig and south towards Rubkona and the Bahr El Ghazal River was home to the Dinka Panaru and Dinka Alor, cattle-rearing people. While there have always been pressures on the Dinka in the Heglig-Ruweng area, with Arab nomads driving their cattle south and fighting with the Dinka for grazing areas and dry-season water, pushing the Dinka against the Nuer, the situation worsened with Chevron's arrival in 1976.

In **February, 1992**, GOS began planning for oil exploitation, and military offensives caused the deaths of 35 people (mostly civilians), the theft of about 500 cows, some tukuls burned and people forced out. In **November 92**, and until **April 93**, the GOS and Arab murahleen allied to it conducted a 5 month offensive with looting, burning, abduction. In all, 57 hamlets were burned. A new offensive began in **December 1993**, when 26 people were killed in hamlets near to Heglig

(Panlok, Kwok, Nhorial, Panagwit); it was after this that the area around Heglig was more or less deserted except for GOS forces. The Dinka village of Athonj was renamed El Toor, and the GOS deployed troops in Maper, renaming it Munga. In **October 1996**, the GOS and its allies launched a further offensive, displacing many thousands of people, some into the "peace camps" in Pariang and Athonj, where coping mechanisms were limited because cattle were stolen and seeds lost.**December 97 into 1998** saw the burning of tukuls in Panlok-Kwok,Mankuo,Aloual,& Ngoniak. Drilling was underway in Athonj(El Toor)in **1998**;in **October**, people were displaced.

On **9 May 1999**, a new offensive was launched from the Nuba Mountains and Pariang. Antonovs and helicopter gunships supported troops using armoured personnel carriers. Roads built by the oil companies enabled these to reach their desitinations more easily than before. The village of Biem 1 was destroyed, and the burning of tukuls and theft of cattle ranged as far as Padit.Biem 2, which we visited, was badly damaged.

The offensive lasted almost two months, not the ten days mentioned by Leonardo Franco, who may have been thinking only of the use of ground troops,and the movement of these was stopped by the rains in June. The offensive was characterized by bombing runs and helicopter gunships flying low enough to kill people, and stop cultivation. From April to July 1999, the decline in population in Ruweng County seems to have been in the order of 50%.

The Athonj – Pagoi line of villages closest to Heglig have been gradually displaced at least 1996 onwards to May, 1999. The displacement from these villages has been permanent with exception of Athonj/El Toor. The areas further east of Heglig have been subject to periodic attack, bombing, looting, killing, abduction, burning out etc., including the May/June 1999 offensive.

It is difficult to avoid Leonardo Franco's conclusion that a "swath of scorched earth/cleared territory" is being created around the oilfields. Over the years, the series of attacks and displacements are leading to a gradual depopulation, as only a percentage of people who flee return after each displacement. Franco's conclusion may well be correct.

The people of Ruweng County have never been free of inter-tribal conflcits and pressures, but they have been particularly insecure for the years since 1983, when the resumption of civil war at least coincided with, and some say was due to, oil activity in their area. For Talisman, so very much seems to be explained as "merely an inter-tribal problem", but displacement has gone on, and is still going on, and in Ruweng County, it is hard to deny that displacement is now, and has been for some time, because of oil. This is a commodity which is seen increasingly as, and may well be, the enemy of a people with nowhere to go where they can enjoy human security.

4 Oil and Conflict Examined

Talisman Energy Inc. is the largest independent oil and gas company in Canada, and perhaps the third or fourth largest in the world but the distinction of being the first foreign oil company to seek to capture oil in the Muglug Basin of southern Sudan goes to Chevron, which was granted a concession in 1975 and started drilling in 1977. In 1979 it made its first discovery. In 1980, it made a significant discovery in the Unity/Talih area north of Bentiu in Western Upper Nile, & by May, 1982, it had discovered substantial reserves of oil in Heglig, just inside South Kordofan.

The Canadian company, Arakis, entered the scene after Chevron withdrew following armed attacks against its facilities. First Chevron halted its work in February, 1984, after three workers were killed at Rubkona (now planned to be the operational base of IPC), decided in 1988 to resume, and then withdrew in 1990 and relinquished its concessions: enter Arakis.

Peter Verney, editor of Sudan Update, claims that when Chevron resumed operations in the late 1980's, it tried to support a militia from the Baggara, who are Arab cattle herders with a long history of conflict with Nuer and Dinka over water and grazing rights.

There can be no understanding of the oil conflict in Western Upper Nile without keeping in mind the interplay of Baggara, Nuer, and Dinka. But to see conflict as being nothing more than some kind of traditional interplay between armed cattle-herders is too limited.

Arakis was able to pick up the Chevron holdings for a small stake. But development required a much bigger stake, one which was revealed as being too big for Arakis: enter Talisman. On October 8, 1998, it completed the acquisition of Arakis Energy Corporation, thereby acquiring a 25% interest in the oil exploration and development project in Sudan being operated by the Greater Nile Petroleum Operating Company (GNPOC).

Leonardo Franco gave attention to claims that "long-term efforts by the various governments of the Sudan to protect oil production have included a policy of forcible population displacement in order to clear oil-producing areas and transportation routes of southern civilians, who were suspected of supporting sabotage actions by the SPLA."

He claims that the economic, political and strategic implications of the oil issue have exacerbated the conflict and led to a deterioration of the overall situation of human rights and the respect for humanitarian law, and diminished the slim chances for peace. On Thursday, December 2, 1999, the Reuters correspondent in Khartoum reported that sixteen militia commanders once aligned with the GOS were joining forces with the "main rebel faction in the south". That is, they declared their intention to fight alongside the SPLA in Upper Nile, against the GOS.

The re-alignment of basically Nuer militias was clearly linked to oil, and its importance is underscored by the fact that the militias were at one time intended by theGOS to provide security for the oilfields themselves.

There is a war going on in Unity State/Western Upper Nile, a small one, but a deadly one. The Humanitarian Co-ordination Unit of the UN in Khartoum put out a Situation Report on the area on October 16, 1999: "The oil field near Rigat was reportedly attacked a week ago and an unknown number of people killed.There are reports of Nhialdu being attacked,shelling in Bentiu, further gunship reinforcements and bombings taking place. Road communications between

Bentiu and Rubkona have been cut.There are reports of landmines between Rubkona and Tongat. Tong is reportedly occupied.The security level of Western Upper Nile locations is at 'red no go'."

One week later, a press release was issued from the "General Headquarters of the South Sudan Defence Force". It said, in part, that "fighting had also flared up in Leer on October 18, 1999, under overall Commander Tito Biel Choir and under the direct operational command of Cdr. Peter Par Jiek. It is crystal clear that the GOS's policy is genocidal geared to wipe out or incapacitate the civilian population in Western Upper Nile so that the GOS and its constituents can exploit the oil without resistance." The Nuer militia commanders we met want the oilfields shut down, and if it cannot be accomplished diplomatically, they say they are prepared to attempt it militarily.

The 1990's have not been kind to either the Nuer or the Dinka. Earlier rivalries aside, in 1991, the SPLA, which had driven the Sudanese army out of most of the South, exploded into warring factions. The conflict became a violent full-scale one between the Nuer and the Dinka, and reached the point where some analysts believe that the number who have died in this conflict exceeds the number killed by the Sudanese army.

By June 1998, Nuer and Dinka chiefs were convinced that peace between Nuer and Dinka was now possible. The Dinka-Nuer Peace and Reconciliation Conference held in February/March, 1999 at Wunlit was the next logical step and a success. Among the declarations: that border grazing lands and fishing grounds shall be available immediately as shared resources. And : that all hostile acts shall cease between Dinka and Nuer whether between their respective military forces or armed civilians.

The moves towards peace between Dinka and Nuer seem real, if always fragile, and this eventuality has never been viewed with equanimity in Khartoum. Added to this must be the information that when Riek Machar sent a brief to President Bashir on May 25, 1999, listing violations of the Peace Agreement, he objected to "doubts being cast on the Wunlit Conference", and asked President Bashir what "is the destiny of peace from within in light of a position against the Wunlit Conference? What are the ways to reach comprehensive peace if we set aside internal initiatives?"He had already,earlier in the brief pointed out that one violation of the KPA was "not providing work opportunities for southerners in the oilfields."

Has all of this hardened the GOS against its major KPA partner? Does it really want to end the war which has gone on for so long, a war in which Oil does now count for something?

We certainly met Southerners who saw oil as the way forward for their people, but it has to be said that these were mostly in Khartoum,trying to give reality to the Khartoum Peace Agreement.

In the meantime, many Southerners believe, and told us on several occasions, that oil in Western Upper Nile is being extracted under the authority of a government which has no legitimacy; they insist that oil can be taken from the area only when the South is under the authority of a government they recognize. In fact, villagers, militia commanders, political figures all asked us:

"Did the Canadian oil company ask our permission to take our oil, and sell it? Why is Canada, a rich country, taking our oil without our permission, and without any of benefit to us?"

The preponderance of Southern opinion we encountered was that Oil was hurting their people. We tried hard to find out what people thought and felt, and tried hard to figure out just what is going on. Leonardo Franco's predecessor as Special Rapporteur, Gaspar Biro, has been quoted as saying that if the oil companies don't know what's going on,they're not looking over the fences of their compounds.

Of course, Talisman maintains that it keeps itself well-informed, and there is some reason to believe that this is so, at a certain level. However, we were often told, and saw for ourselves, that great reliance is placed on the GNPOC security staff for local information. If Talisman was really looking "over the fence", what would its people have seen?

Certainly, there seem to be few,if any,Nuer or Dinka at work at Heglig,which seems to fit with a widely held view in Western Upper Nile that the GOS, thus GNPOC, views all non-Arabs as potential threats to security. Skilled workers are brought from the North; the unskilled are recruited, on an as needed basis, by the Arab overseers working for GNPOC, and they go to the Heglig Market for this purpose, a market where are gathered the Jallaba traders and the Bagarra nomads who have proliferated in the area since the time of Chevron. And all hires are scrutinized by Sudan Security. If Talisman was serious about being a good corporate citizen, **it would win the support of its GNPOC partners to have an audit of hiring and employment practices carried out by the International Labour Organization .**

But failing to be hired is not the same as being killed for seeking work,and **we hope Canada will call for an investigation into a serious allegation**,an investigation which must not be left to the GNPOC or the GOS.
It was reported to us, in different places, from widely different sources, **that in August 1999, 8 Nuer went to Heglig to seek work from GNPOC, and were killed for it.**

It would be interesting to read the Heglig security logs for this period, but it would not be a surprise to us if they contained little pertinent information. If Talisman is relying totally on GNPOC, read Northern Sudanese, security officials, for information about events which impact on the company's reputation, it does not mean that it is meeting its responsibilities. **We hope Talisman will join us in calling for, and facilitating, the investigation we seek.**

It is certainly fair to acknowledge that the durable civil war in Sudan is not fundamentally about oil, but oil has become a key factor. The IGAD Declaration of Principles, cited in the October 26 policy statement, gives a clear account of the key issues -- democracy, human rights, religion and state, and self-determination. But oil is now part of the war, and the Assessment Mission has had to ponder whether the current oil operations exacerbate this war, or advance the pursuit of peace.

The evidence we gathered, including the testimony of those directly involved directs us to conclude that oil is exacerbating conflict in Sudan.

We know that a Canadian helicopter servicing Talisman in Sudan was used to transport Major General Paulino Matip himself on at least one occasion. It appears that Matip demanded that the pilot, a Canadian, take him to Khartoum, or so we have been told.

We also learned, and have reported, that flights clearly linked to the oil war have been a regular feature of life at the Heglig airstrip, which is adjacent to the oil workers' compound. It is operated by the consortium, and Canadian chartered helicopters and fixed wing aircraft which use the strip have shared the facilities with helicopter gunships and Antonov bombers of the GOS. These have armed and re-fuelled at Heglig and from there attacked civilians.

The matter of the military use has been discussed at a high level with Talisman, which assured us that it happened in November, and that when it came to the attention of Talisman executives, a verbal protest was lodged with the Sudanese authorities. The offending machines were removed, but they came back. A second protest was lodged, and they were removed again.

We are troubled, however, by other credible reports, that the military use of Heglig airstrip has been more or less constant since May 1999, interrupted not by protest but by such events as the appearance in the area of the team of financial analysts taken to Heglig by Talisman, or even our own arrival there in early December, 1999. One report we have received has it that during our own visit, the military aviation was relocated to Muglad, a town north west of Heglig.

Ordinary people in the South, even their leaders, can confuse Talisman, which operates north of the Bahr El Arab and Bahr El Ghazal rivers, with other oil companies such as IPC, which holds the concession, known as 5A,around which war is raging south of these rivers, but two things are certain. First, the gunships and Antonovs which have attacked villages south of the rivers flew to their targets from the Heglig airstrip in the Talisman concession. Second, it is a prominent perception of southern Sudanese that Talisman, "the Canadian oil firm", is in active collaboration with the GOS, economically, politically & militarily; it is also the perception of these southerners that the Government of Canada is either supportive of or indifferent to that collaboration. In short, they identify oil extraction not as of positive development but as a major grievance with a Canadian label and say it must be stopped.

The underlying reality is that there has been, and probably still is, major displacement of civilian populations related to oil extraction. Furthermore, Oil has become a major focus of the fighting. Worse, the oil operations in GOS-controlled territory are used, even if to a limited extent, and possibly without the knowledge or approval of the oil companies, to directly support GOS military operations. Talisman has now informed us that these are "defensive purposes", and latest reports indicate that, in any event, the GOS denies the facilities were used for military purposes. Which sounds like a state in and of denial. We can only conclude that Sudan is a place of extraordinary suffering and continuing human rights violations, even though some forward progress can be recorded, and the oil operations in which a Canadian company is involved add more suffering.

5 Is there a way forward?

A Cease-fire Now

The dry season is arriving in South Sudan, and with it, fears of renewed ground fighting. Every effort should be made to achieve a cease-fire right now in Western Upper Nile. It would bring respite to thousands of people if a component of any such cease-fire was a removal of the iniquitous Flight Bans which just deprive hungry people of the food they need.

Operation Lifeline Sudan is ready to assume the risks of operating when conditions are less than optimal;the GOS is wrong to hide behind concerns for their safety in applying these bans,and **not only Canada but also Talisman and its oil partners should now put their influence behind efforts to have the bans removed**, but it is best that this be done in the context of the needed cease-fire in Western Upper Nile/Unity State. And **this cease-fire should be monitored by the international community through the use of monitors on the ground**, among other means, particularly at the airstrips used by the oil companies, at Heglig, Rubkona, and Bentiu.

A cease-fire which Talisman, either witnessing or acquiescing in the use of Heglig airstrip for military purposes, **should be very firm in advocating and ready to pay a price for,perhaps in the form of foregone revenues**. The gunships and Antonovs have taken off from Heglig with their payloads of death and displacement. That this never again occur should be the goal of all concerned; but why not seek to have the gunships and Antonovs grounded, not relocated?

Oil Money

There are only two ways of neutralizing the negative impact of oil. One is to halt production until real peace is attained; the other is to set GOS oil revenues aside for use when such a peace is in place.It is difficult to imagine a cease-fire while oil extraction continues,and almost impossible to do so if revenues keep flowing to the GNPOC partners and the GOS as currently arranged. The "trust fund" proposal warrants first moved by the NSCC warrants careful consideration, and **Canada should engage the parties in South Sudan in discussions of the conditions necessary for them to consider the proposal. Talisman should make it clear that it acknowledges the destructive impact of oil extraction and will work towards a trust fund arrangement acceptable to the southern parties.**

Certainly, while we heard that the new constitution provides for the equitable, and peaceful-use, sharing of oil revenues, many people have asked why should the GOS be trusted, and they were not allayed in their suspicions by any reference to the International Monetary Fund.

We recommend that Canada provides assistance in the fields of forensic accounting and auditing to make workable any sharing scheme which can win tentative approval in North and South Sudan, and that it offer to play a full part in maintaining any temporary "trust fund" answer to the use of oil revenues during a cease-fire as recommended above.

A Step-by-Step Approach

It is clear that many Canadians, not to mention Sudanese, want Talisman either out of Sudan now or at least to have halted production of oil. But we have been reluctant to advocate immediate application of the Special Economic Measures Act because of our strong desire to have Talisman meet its responsibilities in full, not be allowed to slip away from them.

There is a measured approach requiring action by the Minister of Foreign Affairs and in no way precluding his application of SEMA. He could, in a public statement expressing grave concern about Sudan and the mounting evidence that Canadian oil extraction activity is exacerbating the Sudan crisis, **announce that certain exports to Sudan will be subjected to scrutiny under the Export and Import Controls Act.** If Talisman's operations in Sudan are not brought to comply with human rights and humanitarian law, **consideration should be given to placing Sudan on the Area Control List.**

The ACL's not an instrument for applying general economic sanctions.It is a focussed instrument by which Canada is able to apply selective trade restrictions in support of specific objectives.

Placing certain exports under Export Controls List scrutiny, and, if necessary, putting a country on the ACL, would provide Canada with leverage over Talisman to encourage monitored compliance with the ethical approach the company says it adheres to.

Meanwhile, Monitoring Must Go On

Talisman has yet to acknowledge that human rights violations have occurred which canbe related to oil operations, and it has, at various times, maintained that it would have found evidence of these were it to be found. On the other hand, it has, particularly in the case of the military use of the airstrip at Heglig, also sought to minimise its responsibility first by suggesting there is no situation, later that it did happen but did not come to executive attention immediately, and then that because of its legal circumstances, the company had no real control over events, but anyway the use was to be "defensive" only.

It would be good to think that Talisman would want to inform the GOS and the other GNPOC partners that using Heglig to bomb villages south of Bentiu is not an appropriate defensive strategy and violating human rights is not acceptable, which would be in keeping with Talisman's announced commitment to being an ethical corporate citizen.

Talisman frequently expressed a concern about "interfering" with the sovereign responsibilities of the GOS, and it might well have limited influence in its dealing with the GOS. But if the company is either unwilling or unable to constructively influence the GOS, perhaps it should not be in the Sudan at this time.

Here it is appropriate to recall that EU member states, some of which are home to companies participating in Sudan's oil industry, have so far concluded that the EU can influence the GOS constructively through the new "Political Dialogue". **Canada should keep in close contact with this EU initiative**, which is linked to the multilateral context in which SEMA has been framed. And **if it is true that work is now underway at a law school in Canada to "de-link" SEMA from a multilateral context, that work should be encouraged**. In addition, however, **Canada should seek from Talisman detailed scheduled reports relating to its compliance, and what it knows of the compliance of the GOS, with international human rights and humanitarian law.**

Though there are limits on how a government can compel ethical behaviour on the part of a corporation, the owners of that corporation have both an opportunity, and a responsibility, to do this. Talisman's owners would be well-advised to guard against the possibility of the company failing to conduct its profit-seeking in full compliance with human rights and humanitarian law.

We think that Talisman should seek independent help to develop and implement practical means of monitoring and reporting forced removals, displacements, and human rights violations in Western Upper Nile. These would offer also a way of measuring Talisman's compliance with the requirements of human rights and humanitarian law. Perhaps this is already under consideration, given that some Canadian NGOs are currently in discussion with Talisman.

Looking Ahead

Those who were involved with South Africa's transition from apartheid to democracy may remember the "scenario building" which was so useful in South Africa in the period when it was vital that the ANC and the Nationalists talked to each other but found it difficult to do so. The South African embrace of "scenarios" was greatly assisted by the oil company, Shell.

A well-conceived "scenario" project for Sudan could have two main benefits. It could encourage and facilitate the rigorous, and much needed, thinking about all aspects of the place of Oil in Sudan's future, and it could help lay a solid foundation on which peace could be built.

Development

Talisman has spoken proudly of its concern for health, pointing to a new clinic/dispensary being opened in Pariang, and to its hospital in Heglig.We visited the hospital and were impressed by its facilities and equipment. It boasts two incubators in its maternity ward; in all of Ethiopia, there is only one.

But when we were there, we saw almost as many incubators as patients. Talisman explained to us that our visit took place at 4pm during Ramadan, when the outpatients had gone home. However, when we flew out of Heglig, and passed over the hospital at about 7 am., we counted only two people in the forecourt. There is a suspicion that only Arab patients are welcomed at the hospital, that Dinka and Nuer are kept out of Heglig as far as possible.This is not allayed by word from Talisman that a misunderstanding had led to the patients being moved out when we visited. In our view, **Talisman should sit down with the NGO community and map out just how all parties can make a better contribution to health care in Western Upper Nile/Unity State.**

It could also talk with the NGOs, and others in a transparent manner, about how to link in with development projects where this might be appropriate. All ideas could usefully be discussed first with the Canadian NGOs which have expressed their willingness to talk with **Talisman**, which **should also consider how it could help with the development priorities of the Canadian government.**

Communications, in Canada

The war in Sudan has been very little reported until recently, when the media in Canada began to take an interest because of the Talisman involvement in oil operations. There would be value in enabling Canadian journalists and campaigners to proceed from the basis of sound and timely information.

Communications, in Sudan

We have reported a situation where the GOS forces use airstrip facilities built by oil, for oil, facilities denied to the NGOs. **These should be allowed to use the airstrips at Bentiu and Rubkona**, where IPC/ Lundin, the other oil company, is establishing its base camp.

Also the ICRC, which helps all sides in the conflict, is being seriously impeded. Early in 1999, it lost one of its teams. It is rightly unwilling to risk its personnel unless they can use reliable communications systems, as they do elsewhere. **Talisman** enjoys the use of communications systems, and it **should use its influence with the GOS to see that the ICRC can do the same.**

A Final Recommendation

Mayom is an isolated village west of Bentiu, where it is in the front line of the conflict between Matip, who has a garrison there, and the Nuer factions opposed to him. Fighting has left many casualties in Mayom, and now there are others: news from Sudan is that early in January, a medical team from CARE attempted to reach Mayom from Bentiu. Two of the team were killed, and two others are missing. We express our unreserved condemnation for the killers, and to the

Minister of Foreign Affairs of Canada, **we express the profound hope that he will take this matter to the Security Council of the United Nations as he moves urgently, as we hope he will do, to seek a cease-fire in this afflicted region.**

1 Introduction

Sudan is a country in ongoing crisis, or to be more accurate, in ongoing crises, and fashioning a comprehensive, and comprehensible,policy on Sudan has proven to be no easy matter,for Canada or other countries.

On October 26, 1999, Minister of Foreign Affairs, Lloyd Axworthy and the Minister for International Co-operation, Maria Minna, announced several Canadian initiatives to bolster international efforts backing a negotiated settlement to the 43-year civil war in Sudan, including the announcement of an assessment mission to Sudan to examine allegations about human rights abuses, including the practice of slavery.

The need for more information is compounded by the difficulty of obtaining it, when so much of Sudan is closed territory for so much of the time. As result, observers often have to deal with numbers which just don't add up: such as Leonardo Franco, the UN Special Rapporteur, speaking of 6,000 houses burnt in the Ruweng area of South Sudan and 1,000 people displaced when,if the story has any truth to it, the numbers could well stand to be reversed: the average house in South Sudan's Western Upper Nile, the tukul, is usually home to about 6 people. Or when Christian

Solidarity claims to have bought into freedom some 15,447 "slaves",mainly women and children, in Sudan since 1995 and the most credible Dinka activist and Save the Children Fund aver that there are far, far fewer documented cases of those freed. In fact, they estimate a total of about 15,000 people being illegally held as abductees.

The human toll in Sudan is horrific,whatever numbers are used. According to the United Nations, nearly two million people have died since 1983. In excess of four million people are internally displaced, dispossessed of their homes and separated from their families.

There are few other parts of the world where human security is so lacking,and where the need for peace and security - precursors to sustainable development - is so pronounced. Canada's commitment to human security,particularly the protection of civilians in armed conflict, provides a clear basis for its involvement in Sudan and its support for the peace process.

A War in Progress

Almost ten years ago, Alex de Waal of Africa Watch wrote a report on the war in Sudan which began with a presentation of "views of the war". The first held, then, and now, that the war was/is one the Moslem Arab North against the African, Christian, South.

A second view held that the war was/is one between the dominant centre and the ignored periphery, with the South being part, but not the only part, of the periphery. Witness conditions and conflict in the Nuba Mountains, the Red Sea Hills, or farthest Darfur. A third view attributed the war to a failure of leadership, which, according to some commentators, brought about, the collapse of the Addis Ababa Agreement, thus the resumption of war in the early 1980s and the birth of the Sudanese peoples Liberation Movement/Army, SPLM/A. It was, in the same characterization, a failure of leadership which opened the door for the coup launched by Omar Bashir in June 1989 and years of National Islamic Front/National Congress rule which have followed.

de Waal outlined how regional loyalties and differences have complicated life in Sudan, with regional parties all failing to gain real influence at the centre, partly because they lacked a sufficient economic base from which to buy such influence."Southern control of oil reserves may prove to be the exception to this", he wrote. And he did so before the marked efforts of Omar Bashir and others to re-write boundaries and deploy other strategies to make Southern control of such reserves more a chimera than a reality, and if we can understand this, we have a better chance of understanding how the war of 2000 is not the war of 1990.

de Waal pointed out how regional groups marginalized by the centre have had recourse to violence, mentioning specifically Upper Nile, where neglect and exploitation had been so blatant. And he did not see that regional governance in the South had done much to overcome either the neglect or the reality of divisions in the South, which still seem marked today, much as they were in 1990. He also cited the division between the Nilotic peoples,Dinka and Nuer of Bahr el Ghazal and Upper Nile, and the people of Equatoria in the deeper South, but this was not to suggest that Dinka/Nuer relations were all harmony, or that they themselves were not being hard pressed by their "Northern" neighbours as well as having differences with their "Southern" ones.

These Northern neighbours are the Baggara Arabs, who have, since Chevron's arrival in Sudan in 1976, pushed even harder against the Dinka and Nuer in that part of Sudan.

de Waal devoted considerable space to a description of the Dinka, the largest ethnic group in the South, and the second largest in Sudan, after the "Arabs", but of course, there are many different Dinka tribes. The Nuer he listed as one of the other agro-pastoral peoples in the South. Just as he said that the Dinka form the core of the SPLA, of the Nuer and others such as the Shilluk, Acholi and Luo, he said that "factions among these groups have been armed as militias by both sides in the war", and the Assessment Mission, in order to carry out its mandate, had to understand the interplay of these armed factions as a defining characteristic of the civil war in Sudan.

It can be said that civil war provides a backdrop in Sudan against which the clearest picture that emerges is that people's human rights are too little respected no matter under whose control those people find themselves. Only an end to the war will make it really possible for the people to enjoy their inalienable human rights.

Charm Offensive, or Signs of Progress?

Following the visit to Khartoum of an EU Mission, a political dialogue was launched by the European Union on November 11 1999, to be conducted at the Head of Mission level every three months. That is, European ambassadors, or Heads of Mission, will regularly meet Sudanese officials to determine what is being done by Sudan to implement & give effect to promises made by Sudan that its respect for human rights is both broadening and strengthening.In between HOM meetings, the five constituent "chapters" of the dialogue will be discussed roughly every two weeks. The "chapters" are human rights, democracy, terrorism, relations with neighbours, and the peace process. The first meeting was scheduled to be held on December 15th. and the agenda called for discussions on human rights and, in particular, "tribal abductions."

It was made clear to the Assessment Mission that the EU was of the view that there has been sufficient progress in Sudan to warrant a renewed dialogue.In this view, there has been a positive change, and it is necessary to encourage the Sudanese, and push them further where there is need. It is the view of the Heads of Mission of the EU that the human rights situation has improved but needs further improvement.

This view echoes, in part, that of the UN Special Rapporteur, Leonardo Franco, who has said that the GOS has adopted some measures deserving recognition and international support, and foremost among these must be the adoption of a new Constitution, which, the Assessment Mission was often told by GOS officials, Talisman executives, and others, protects the rights of the Sudanese people, including their right to properly shared oil revenues.

Mr. Franco has emphasized that the GOS "needs to adopt the legal, political and administrative measures required to ensure the transition from an emergency regime to a political system based on the rule of law."

Mandate

Foreign Affairs Minister Lloyd Axworthy has frequently spoken out against the impact of civil war in Sudan on human security in that country, and he strongly reiterated his concerns regarding the conflict & the human rights situation during a meeting with the Sudanese Minister of Foreign Affairs in New York in September 1999.

Minister Mustafa Osman Ismail agreed to cooperate fully with a Canadian assessment mission to Sudan to examine allegations of slavery and other human rights concerns. Ministers Axworthy and Mustafa Osman Ismail also discussed the role of the oil sector in Sudan.

By way of an Aide Memoire dated November 22, 1999, the Department of Foreign Affairs advised the GOS of the mandate of the Assessment Mission, which was mandated to:

a) independently investigate human rights violations, specifically in reference to allegations of slavery and slavery-like practices in Sudan, and

b) to investigate and report on the alleged link between oil development and human rights violations, particularly in respect of the forced removal of populations around the oilfields and oil related development.

Human Rights and Slavery

In May, 1996, Human Rights Watch published its comprehensive look at political repression in Sudan, Behind the Red Line. The title was drawn from a speech given in January 1996 by President Bashir, who said that "When we talk of handing power to the people, we mean the people will be within certain limits but no one will cross the red lines which are aimed at the interests of the nation."

Four years later, the same president, in his Independence Day address, which was carried on Sudan TV on December 31, 1999, called for a Sudan which "gives equality to the people without discrimination because of race, sex, creed, social status or economic capacity; a country that upholds justice on the basis of equality of citizenship on which all constitutional rights and duties are based, equality before the law and participation in all public affairs;a country which is guided by peace, reconciliation, consultation and democracy, the peaceful transfer of power and the guarantee of basic freedoms and all human rights laid down by divine faiths and enshrined in international conventions to which Sudan is a party."

Our Assessment Mission tried to build an understanding of the current human rights situation, keeping in mind that Sudan has voluntarily accepted obligations under international human rights and humanitarian law,and use this understanding as a lens through which the issues central to our mandate and important to the Canadian public can be viewed, and acted upon.

In 1993, the UN Commission on Human Rights established the post of Special Rapporteur on Human Rights in Sudan, and Mr. Gaspar Biro of Hungary was appointed to the position. He served until 1998, when he resigned and was succeeded by Mr. Leonardo Franco of Argentina.

Mr. Franco, in his April, 1999 report to the UN Commission on Human Rights, made a point of stressing Sudan's obligations under international human rights and humanitarian law. Many of these are listed in an appendix to this current report. He mentioned the Geneva Conventions, appropriate since civil war has been a determining feature of life, and death, in Sudan for most of the years since the Independence referred to in President Bashir's recent speech. Also emphasized were a number of instruments to which Sudan has become a party, including the International Covenants on Economic, Social, and Cultural Rights, on Civil and Political Rights, on the Elimination of all Forms of Racial Discrimination, and on the Rights of the Child.

Sudan has also signed on to the Slavery Convention, as amended, the Supplementary Convention on the Abolition of the Slave Trade, and the Convention relating to the Status of Refugees. In addition, it has ratified the ILO conventions concerning Forced Labour.

It is important that Leonardo Franco recognized the difficulty of respecting human rights and humanitarian law in a case of internal armed conflict, but, as importantly, he did not allow this circumstance to decrease in any way the imperative need for such respect. GOS spokesmen and "friends" of the GOS, such as the Sudan Foundation, have stated that the civil war has inevitably had a negative effect on the country's human rights record, presumably to suggest that without war, the GOS would be responsible for far fewer violations. Critics, on the other hand, have said that there have been among the war-strategies of the GOS human rights abuses, such as the arming of Arab militiamen who raid Dinka communities in the South.

Franco expressed the view that "the war and the pernicious strategies employed had also revived and exacerbated the problems of slavery in the Sudan", and was concerned about the plight of internally displaced persons,who he took to constitute evidence that the war was being conducted in disregard of the principles of human rights,and the GOS bore the largest share of responsibility for violations. It is a basic element of the Sudanese reality that when human rights are under discussion, thoughts of the war, and of displacement, can never be far away, but perhaps the most heinous aspect of the absence of human security in Sudan are the allegations of Slavery.

These are powerful, compelling, and difficult to address, partly because of the disruptions caused by a war in which the practice of abducting women and children is too often condoned or facilitated, and partly because the allegations themselves are being used as a "weapon of war". The campaign in the United States to encourage divestment from Talisman Energy Inc., for example, has produced estimates that "more than 200,000 Sudanese Christians have been forced into slavery."

A more rational allegation,and no less forceful an indictment,is to be found in the annals of Anti-Slavery International. Mike Dottridge, Director of Anti-Slavery, the world's oldest international human rights campaign, said in an appeal to Sudanese President Bashir early in 1999 that "the reality is that people being abducted from communities in northern Bahr al-Ghazal by government-backed militias are being exploited as slaves in the households of militiamen and others."

From UNICEF, from the Save the Children Fund,and from the Dinka Committee which has been in the front-line of attack against this abhorrent situation, we learned that as many as 15,000 women and children, mainly from Bahr El Ghazal, and most of them Dinka, have been abducted and remain in captivity.

The Assessment Mission was mandated to collect the facts about this situation and this has been done in the hope that action will follow, action which will lead to the freeing of all those women and children, and their return to their families and familiar places.

Oil and The Exacerbation of Conflict

The October 26 Policy Statement on Sudan stressed that Canada is deeply concerned about reports of intense fighting in the regions of oil development, and that oil extraction may be contributing to the forced relocation of civilian populations residing in vicinity of the oilfields.

Canada has in the past expressed grave reservations concerning private sector involvement that may heighten tensions or otherwise fuel ongoing conflicts. Canada has consistently discouraged companies from doing business in Sudan and in 1992 suspended all support, including export finance and trade development programs. It has also issued warnings regarding the risks of working in the Sudanese oil fields due to security concerns and the potential danger to employees.

Canada has voiced serious concerns that the Greater Nile Oil Project, which could be a key part of Sudan's post-war economy, may have a negative impact on the resolution of the conflict, and has recognizes that only an accelerated & sustained movement toward a just peace will allow all Sudanese to enjoy equitably the benefits of this natural resource. As a follow-up to the discussion in New York between the two ministers, Canada requested that the Government of Sudan initiate discussions with the private sector and independent experts regarding ways in which petroleum export revenues can be reserved for humanitarian and development purposes, shared equitably by all regions of Sudan, and verified through a formal, independent monitoring system. It has asked Talisman Energy Inc. to help move these concerns forward.

A number of Canadian and international NGOs, as well as some parties to the Sudan conflict, go beyond doubts to argue strenuously that oil exploitation is certainly exacerbating the conflict and contributing to human rights abuses.

One major area of alleged abuse concerns the forced displacement of people,particularly from the oilfields of Southern Sudan, in the interest of a more secure environment for oil extraction by the GOS and its partners, which include Talisman Energy Inc.

Talisman owns 25% of five oil blocks (3 exploration and 2 development), Heglig, Unity, and Kaikang. Thus it primarily operates in the Heglig--Pariang area of South Kordofan and Western Upper Nile or Unity State. The Assessment Mission had to look into allegations that people were being forcibly displaced from this area.The difficulties inherent in this task were compounded by the fact that people are leaving what was once a cattle-rich land, for a variety of reasons. Some are anxious to get away from the Sudanese Army and the Baggara raiders who have accompanied them into the Heglig and Pariang areas, and others are anxious not to be around when competing militia forces clash. Some move to follow food supplies, others because force majeure dictates that they do so, with all these reasons likely constituting a major violation of their human rights.

People in Southern Sudan are on the move, whether it be over a short distance or a longer one, for a matter of weeks, months, or years.

Violence, and the fear of it, impact immediately on the people's use of the land, and result in food insecurity, which in turn propels movement, or displacement. The World Food Programme's Annual Needs Assessment for the year 2000 has identified the Pariang/Ruweng County area and the oil area around Duar and Koch, land south of the Bahr El Ghazal river and the site not of Talisman operations but of those of the Swedish oil company, IPC/Lundin, to suffer the highest food shortages directly linked to insecurity: "An estimated 30-40% of the population will have no harvest this year since they were forced to move away from their land at different times during the cultivation period."

The WFP is convinced that the insecurity in Western Upper Nile, also known as Unity State, owes everything to the initial fighting between militia factions over control of the oilfields and the fighting around GOS garrison towns now that the factions have united "to start a full-scale war against the export of the oil out of the South."

The October 26 Policy Statement declared that if it becomes evident that oil extraction is exacerbating the conflict in Sudan, or resulting in violations of human rights or humanitarian law, the Government of Canada may consider applying economic and trade restrictions. The Assessment Mission to Sudan would "help inform the Government of Canada in their examination of such options."

Dr. Jim Buckee, President and CEO of Talisman Energy, wrote at length to the Minister of Foreign Affairs responding to the major points of the Policy Statement, and assured him that "corporate ethics has always been a strong internal priority at Talisman."

With respect to encouraging the GOS to allow for independent experts to examine allegations of forced removals,Dr. Buckee reported that he had raised this point with the Sudanese ministers for Energy and Foreign Affairs and with Dr. El Turabi and had received positive assurances. He also made the point that no Talisman executive or worker had ever seen any evidence of forced removals in and around the oilfields, and the company looked forward to co-operating with the Assessment Mission as it pursued this aspect of its mandate.

Similarly with respect to initiating discussions on the equitable and peaceful use of oil revenues, he pointed to the new Sudanese constitution as providing for the revenues to be properly shared, and informed the minister that Talisman has suggested to the GOS that the IMF could be very instrumental in any verification process, particularly to guarantee that oil revenues neither go to defence spending or allow for this to increase.

Concerning the need to urge the GOS to recommit to progress under IGAD towards peace in Sudan, Dr. Buckee was convinced that everyone is tired of the war and genuinely want to accelerate the IGAD peace process, the slowness of which was in fact causing frustration among Sudanese leaders.

On the matter of inviting independent experts to sit in on Talisman's discussions with GOS on the peace process and human rights issues, Dr. Buckee pointed out that he has raised this issue with ministers and officials in Khartoum, and will continue to do so.

He stressed that Talisman believes it is acting in a responsible manner in Sudan, and is giving particular attention to seeing "what we can do to improve the lives of the local communities where we are active".

He expressed his conviction that Sudan desperately needs help, and he wanted help in deciding how best to further improve the development contribution which Talisman can make in the oilfields region.

Mission

With all these concerns in mind a team for the Assessment Mission was composed, arrangements made, and the team dispatched to Sudan. The names and biographical details of the team members are shown in an appendix to this report. Each teammember was chosen as an individual not as a representative of any organization. Each offered appropriate skills and was deemed, correctly, to be capable of reflecting Canada's commitment to the promotion of human security in Africa.

The work of the Assessment Mission included a brief fact-finding trip to Europe, for talks with the UN agencies in Geneva, particularly the International Labour Organization, the Office of the Commissioner for Human Rights, and the High Commission for Refugees,and with the European Union in Brussels, which sent a mission to Sudan in November 1999.

The work in Sudan consisted, first, of meetings in Khartoum, with GOS, opposition, human rights, civil society, and diplomatic representatives as well as some encounters with displaced Southern Sudanese and the UN officials trying to help them. In addition, visits were made to oil pipeline sites north and south of Khartoum, and to Dilling, in the lower reaches of the Nuba Mountains. The mission spent three days at the Heglig operating base of the Greater Nile Petroleum Operating Company, GNPOC, and from this base visited a number of communities in the vicinity. Included were Heglig market and the Talisman hospital nearby, Pariang, Bentiu, Rubkona, Mayom, and Abyei. In addition, extensive fly-over inspections were made during helicopter trips.

Much of South Sudan cannot be accessed from any area controlled by the GOS, and the mission flew to Nairobi, Kenya, on its way to Lokichokkio, in northern Kenya, the operating base of Operation Lifeline Sudan. This humanitarian operation is a consortium of the UN and major NGOs, and it organizes relief shipments and other forms of assistance for often desperate communities in Sudan.

With OLS help, the mission was able to visit a number of isolated communities, including one, Paboung,which does not seem to have existed until recently,when displacement from the town of Leer sent people fleeing into the bush and the swamps. Many of them gathered together in Paboung. Other places we visited include Biem in Ruweng County,Keriel,Nyall, Rumbek, Koch, Wuncuei. Testimony from people we met there appears in an appendix to this report.

This constitutes an indictment of all who can act to promote human security in Western Upper Nile, Bahr El Ghazal, and elsewhere in South Sudan but do not do so. Inaction is not an option.

An Urgent Matter

South Sudan's Bahr Al Ghazal was the scene of a major tragedy in 1988: famine struck, and thousands of people died, mostly the very young, the old, and the vulnerable. Human Rights Watch believes that as many as 250,000 lives were lost. The UN Resident Co-ordinator for Sudan, Philippe Borel, issued, in October 1999, a briefing note entitled Averting Another Potential Humanitarian Crisis: Western Upper Nile: Another Bahr Al Ghazal? He is convinced that a humanitarian disaster potentially similar to the Bahr Al Ghazal famine's been brewing for the last year in Unity State, Western Upper Nile, with the fighting there threatening to spiral out of control. Borel makes the point that it is difficult for outsiders to know what exactly is happening on the ground in Unity State/WUN, and the death toll from the fighting there is difficult to assess, but he is clear that it has caused massive and continuous displacement and disruption of life, with local cultivation no longer being possible. He insists that there can be no development to enhance the coping mechanisms of the population unless "security zones" can be guaranteed and he wants the international community to both prepare for providing emergency relief, particularly to the internally displaced and the communities to which they are fleeing, to help find a solution to the conflict, in which IGAD remains important.

Inaction is really not an option.

2 Slavery or Abduction: A Distinction without a Difference?

The core allegation of slavery in Sudan is not any sensational claim, which can be criticized for inflation of numbers or ignorance of complexities. It is a matter of record. It is the continued assault on lives and liberty of the Dinka people of Bahr El Ghazal by Arab raiders, the murahleen first armed by the GOS in 1985 and figuring, one way or another, in the "war strategies" of the GOS today.

The central question to which the Assessment Mission turned was whether the GOS has been "sponsoring"these raids against the Dinka and others through the practice of "hiring" the Baggara tribesmen, in effect the feared murahleen, as a protection force which takes its payment not in cash or kind from the GOS but as booty, the goods and people they can make off with.

And fear no GOS reaction as they do so.

The arming of the murahleen with automatic weapons in 1985 was noticeably followed by an increase in raiding and the abduction of women and children which accompanied these raids, and before long, the situation had come to the attention of Anti-slavery International.

Anti-Slavery had, at the time of the coup which installed General Bashir and the NIF in power, been conducting an inquiry into Sudanese slavery with agreement of the GOS. Concerns about slavery in Sudan had grown following the 1987 publication of material on this practice gathered by two university lecturers at Khartoum University. One of these has since left Sudan following intense harassment and ill-treatment at the hands of the GOS, and the other is currently working on the issue for UNICEF. The Assessment Mission was able to speak with him as well as many others in its effort to understand the substance or otherwise of the allegations of slavery.

When it adopted the international treaty prohibiting slavery, the United Nations' predecessor, the League of Nations, gave the following definition of slavery:

"Slavery is the status or condition of a person over whom any or all of

the powers attaching to the right of ownership are exercised."
(Article 1(1) of the 1926 Slavery Convention.)

Abhorrence of slavery is professed everywhere, including Sudan, where we were strongly told, and not just by the government and its supporters, that slavery does not, and could not exist. Foreign Minister Osman Ismail, during our lengthy meeting with him, personally offered to intervene in the most direct way in any case of slavery brought to his attention. Ghazi Suleiman, one of the most determined critics of the GOS, and a lawyer who has used the courts to free women and children from abduction, was equally insistent that there was no slavery in Sudan.

The 1926 Convention was intended primarily to abolish slavery and the slave trade, but the definition of slavery in Article 1 clarifies that the international community was also determined to abolish a wide range of other practices which were considered to be "analogous to slavery", including debt bondage and false adoption (of children to work as domestic servants).

There are other forms of servitude which exhibit many of the characteristics of slavery: servile domestic work, forced labour and servitude for ritual or religious purposes, for example. Governments are under an obligation to take urgent remedial action to prevent these if they amount to slavery-like practices, as is often the case.

Practices Analogous to Slavery

Article 1 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery prohibits:

> " (d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person,whether for reward or not, with a view to the exploitation of the child or young person or of his labour."

The prohibition was designed among other things to prevent children from being exploited as domestic workers through the practice of "sham adoption" (ie being nominally welcomed into a new household as a member of the family, when the real motive is to require the new member to work as an unpaid domestic servant).

"Forced labour" is sometimes confused with slavery, and sometimes it is implied that slavery is simply a category of forced labour. International standards adopted soon after the 1926 Slavery Convention prohibited the use of forced labour other than by the state, but the circumstances in which individual citizens can be obliged to perform forced labour are now clearly circumscribed.

International standards limit the use of forced labour very strictly and urge its total elimination. An International Labour Office (ILO) Convention adopted 65 years ago obliged each state ratifying the Convention,including Sudan, to"suppress the use of forced or Compulsory labour in all its forms within the shortest possible period".

Reports of Slavery in Sudan

Given our concern about the possibility of GOS "sponsorship" of the raiding carried out by the Baggara, it is necessary that a word of description be offered about this grouping.

The Baggara Arabs are mainly to be found along the southern borderlands of "Northern" Sudan, lands where water for the cattle they cherish is a seasonal commodity, often one they had to fight for, usually with Dinka and Nuer communities, where cattle is also king.

Though the Baggara are peripheral, during the years of the Mahdi at the end of the 19th. century, they "controlled" Sudan, and the settled Arabs of the Nile valley remember this well. In 1985, the GOS began to arm the Baggara as militia, the murahleen, with modern weapons, and this was continued when Sadiq El Mahdi became Prime Minister. When Omar Bashir and his NIF allies consolidated power, one of their first acts was to create the Popular Defence Forces, giving the murahleen a legitimacy which bedevils the Slavery issue today.

On November 27,the Sudan News Agency put out a story which began with the assertion that the resident representative of UNICEF in Khartoum, Thomas Ekvall "has affirmed that UNICEF has concluded that the practices which were once termed as slavery are actually cases of abduction in the conflict areas. He pointed out that the executive director of UNICEF, Ms. Carol Bellamy, has apologized for the misunderstanding that has occurred in interpreting her statement".

While UNICEF does now follow the practice of the UN Commission on Human Rights, and no longer uses the term Slavery, referring instead to Abduction, there has been no apology to the GOS. The contention over terminology is not simply one of semantics, but is an attempt by persons rejecting the term Slavery to blunt the allegations of its existence by raising instead the tribal practices of Nuer and Dinka, who have had a history of reciprocal raiding and abduction. Setting aside the debate over the word used to describe it,the Assessment Mission was concerned with the practice itself, and there is ample evidence that it is organized, and is accompanied by violence. And there is the end result: the wrongful use of a human being by another; one exercising "ownership" over another.

During our stay in Khartoum, we were fortunate to enjoy lengthy discussions with UNICEF personnel, including Mr. Ekvall, our understanding of what is happening in Sudan owes much to their observations and insight, not to mention their courage and fortitude in carrying out UNICEF's mandate in very difficult circumstances.

What we saw and heard

The Government of Sudan is resolute in opposing any use of the term"Slavery" as anything other than a descriptor of something which may have happened there long ago. In this, they are joined by many who are normally their most resolute critics, including many of Sudan's most prominent human rights lawyers and activists. It is almost as if there is a societal refusal to accept the possibility of the phenomenon, and this appears to spill over into just how "Abductions" are then dealt with.

The Special Rapporteur, as has been mentioned, expressed to the UN Commission on Human Rights the view that war in Sudan had revived and exacerbated slavery there and he called for "energetic measures to prevent and end unlawful practices, such as raids by armed militias, perpetrated against women and children." The GOS invited him to reconsider his position on this point but did create, on May 1, 1999, a Committee for the Eradication of Abduction of Women and Children which, in his report to the UN General Assembly,the Special Rapporteur welcomed as an encouraging decision, to be closely monitored in the future. He joined UNICEF in seeing CEAWC's establishment as a concrete indication of the political will of the GOS to deal with abductions.

We heard at length from virtually all quarters concerned about or involved with this problem.

UNICEF talked to us formally, and some of its field workers and those of other UN bodies did so informally; all were serious about bringing to an end an abysmal situation which disfigures the lives of so many people, particularly in Bahr El Ghazal but not just there.

The Bahr El Arab river, in its western reaches, effectively divides the Dinka to south from the Arabs to north. In 1985, an earlier GOS began to arm Arab militias, the murahleen, as a form of opposition to the SPLA. This practice has mushroomed into armed banditry and lawlessness at best, and the use of the raiding by the murahleen against Dinka communities as a war strategy at worst.

We were told that there are really three different phenomena in the Slavery/abductions issue. First, there is armed and organized raiding in which the role of the GOS is not clear, and is likely complex. Sometimes, we were informed, the GOS provides arms, sometimes the groups of murahleen go off on their own. Tribal groups have been known to organize raids with "representatives" from other Arab groups; returning with children, women and cattle taken in these raids, all of them have had a common celebration.

Then there is the train which carries GOS supplies from the north down through Aweil and Wau in Bahr El Ghazal, down through contested territory. We have been told, and accept, that there is formal recruitment by the GOS of militia to guard the train from possible SPLA attack. Up to 2000 are "recruited", then there are many others, some accompanying the train on horseback, and others who climb aboard for the journey and the chances of booty which it offers. These murahleen then go out from the train & attack villages suspected of supporting the SPLA on the way from Babanusa to Wau and back. The said booty has consisted not just of goods, some identifiably once belonging to relief agencies, but also of women and children.

Finally, we were told of joint punitive raids carried out by the GOS and the murahleen, who, under the Popular Defence Act, can enjoy status as state-sponsored militias, the PDF. One such raid apparently hit the town of Abyei in 1997.
The theory is that such raids are conducted to attack villages believed to support the SPLA.

In all these events, men have been killed or forced to escape, and women and children have been taken.

The Committee on the Eradication of Abductions of Women and Children

When we met with the new Committee on the Eradication of Abductions of Women & Children, we heard how this group sees the problem and how it should be addressed. The senior civil servant of the Ministry of Justice, Abdurachman Ahmed Ibrahim, stressed that the mandate of the CEAWC is to facilitate the safe return of abductees by supporting tribal leaders; to investigate reports of abductions and bring perpetrators to trial; and to investigate the causes of abduction and ways to eliminate the practice, and were told that it is persistent among tribes in the Bahr El-Ghazal area but is confined to that area, and has never been highlighted as a matter of purchase/sale of people in Sudan. It was common for us to be told that no-one has yet identified a classical "slave market" in Sudan--though here it must be said that a responsible official with a highly credible NGO told us of having heard that there was one such in South Darfur.

We were told that CEAWC has established sub-committees in North Bahr el Ghazal, West Bahr el Ghazal, South, West and North Darfur, & South Kordofan, and has established liaison offices there. In South Darfur, a safe place has been set up for abducted children in order to reunify them with their families. CEAWC organized a workshop in Nyala for tribal leaders, Committee members, and Save the Children Fund UK.

Work began on identifying children through tribal leaders; photographs and i.d. papers were sent to Aweil and to Wau; and more than 100 children were identified. CEAWC then worked with UNICEF and SCF/UK on ways to reunify the children. 11 have been taken to Aweil and reunified. Plans are in hand to reunify 100 children but funding has not yet arrived from donors. CEAWC has gathered more than 200 women and children from the area and is in the process of reuniting them with families

We were then told that, yes, there was speculation that there have been abductions from the train that runs between Babanusa and Wau, via Aweil. CEAWC held meetings in Aweil and Wau and developed a two-fold plan. First, there would be workshops and seminars in Wau, Babanusa and Aweil to discuss the ill effects of this practice and the damage to the reputation of the country. This would be impressed on the murahleen and the tribal chiefs.Next, clear instructions would be given to the Aweil sub-committee to prevent any child from boarding the train, but one related problem was that not all children were abductees; some want to travel to the north for work.

One official expanded on this theme, saying that the train needs protection as it passes through areas under rebel control. The murahleen who provide protection used to take children to help them make tea during the journey, but there are no allegations that they buy and sell these children. There are stories of the murahleen giving families tea and sugar, in return for allowing the children to serve tea and coffee to the murahleen along the way.

We cannot give credence to "explanations" such as this. It appeared to us that the issue was not one of children "riding the train", but of the murahleen using the train as a base for raids and for abducting children. It was stressed to us that the GOS is not involved with the murahleen, and their abductions constitute a crime taking place in areas not fully under GOS control.

The GOS is not part of this, it was emphasized to us. The Chief of Police in Aweil is now on the local CEWAC sub-committee; the police are being used to arrest children, to prevent them from boarding trains between Aweil, Babanusa and Wau. There are now clear instructions not to allow any child to move on the train for any reason whatsoever unless accompanied by their family. CEAWC has made it clear to the Governor in Wau that the train has given Sudan a bad reputation.

Where there is war and instability, there will be a problem, we were told, but where the GOS is fully in control, there is no problem. The problem is instability. Resolution of the issue rests on a resolution of the war. Unless there is an end to the war, the GOS won't have control of the territory & the problem will persist. It is the duty of the GOS to ensure the rule of law prevails, and it is serious about it, witness the fact that Sudan now has a new constitution and courts to protect rights, and prosecutors in all districts are ready to receive complaints of crime committed in relation to abduction or slavery.

Mr. Abdurachman mentioned that a number of abductees are taken by rebel movement but the media never reports this. The GOS is always blamed.

We were also confronted by the "cultural" explanation, the essence of which is that there are always fights in this part of Sudan; both parties raid, they take women and children; this is not slavery, it is retribution and revenge; tribes are not taking women and children for ransom or for money, but even so, there is no law which allows them to do this. CEAWC has decided to see what the chiefs think should be done to resolve the problem without necessarily using the penal code in order to break this vicious circle and to avoid hardening positions. Our position is already hardened: the practice is abhorrent and must be stopped, now, not when it is convenient. It has already gone on too long.

There is no definite answer to how long the practice of abduction has been going on, but it has expanded and contracted over time. The Bagarra don't kill women and children, a Foreign

Affairs official told us, they take them as war booty. There used to be periodic tribal councils, with compensation paid in cattle for any bloodshed. This has happened since "the British time". It happens where cattle are migrating, and where the rebels steal cattle in order to force people to move. It is an issue created by war, it is asserted.

After they are identified, abductees are taken to the "peacebuilding centres". The process of identifying a child through the tribal leaders may take a long time, & then it may take a long time to find the child's family. It may be that taking a person from one family where he is at school may not be helpful. So the child might be kept in school until a permanent solution is found. Here it must be reported that we heard elsewhere that the GOS is refusing to allow children over 16 to reunify with their families because they say they will join the SPLA, and that the GOS argument that they are staying behind to complete their education has no basis in reality. We're told that there are women and children who would like to stay and not be reunited. Reunification must always be done in the best interests of the child, said one CEAWC member.

Abducted children,it was also claimed,are treated by their families in the same manner as the rest of the family. Some times children have come for work and find their new family is better. Sometimes families not involved in abduction keep the children as a kind of foster family. It is left to the discretion of the appropriate subcommittee (Dinka, Messariyaa, Rezegat) to decide jointly what to do with the children. Anything done is done with the full knowledge and cooperation of UNICEF and Save the Children. If the parents want to take the child, it is done, but if the parents are unidentified or not found, the child is left where he is.

As to numbers, CEAWC has documented abductees who have reached safe houses, ("peacebuilding centres"), with 229 in South Darfur, and 100 in West Kordofan. Some of them have been away from their families from one to eight or ten years.

We knew that CEAWC had been created only since May 1999, and that for ten years before that, a group of Dinka leaders had been working to combat abductions. We were able to speak to their principal, James Agwair, who now also serves on CEAWC. He informed us that the Dinka Committee established sub-committees in the concerned provinces, gathered information, and follow individual cases. The children were given the option of going home or staying where they were. Some would go south again, some moved to Khartoum, some would stay where they were.

The Dinka Committee reunified 1,127 children in this way in the past ten years and received help from the Arab tribal leaders to do so. We take letters from the GOS to the Baggara tribal leaders (Rezegat, Messiriya), he said. When CEAWAC was established, we became part of it. We want to bring an end to this practice; it is a practice of war but we won't wait for peace to act.

We were later able to go with James Agwair to a "safe house" for abducted children in Khartoum where they are housed prior to re-unification. There were about 40 children present, and some had been there 3 to 6 years. Others have been there only a matter of months. They are all Dinka children, but from various regions. One boy was trying to join his mother in West Kordofan, but couldn't find her, because she moves around seasonally.

This house has been open to children for ten years. Sometimes Save the Children helps with feeding costs. There are, according to James Agwair, many obstacles because there is no money. He estimates that there are about 6000 abductees in South Darfur, and about 8000 in West Kordofan. We need two or three years of intensive work to get these individuals back, he thought.

This number corresponded more or less with a figure given by Save the Children UK and UNICEF.

UNICEF

Whatever the numbers, the situation is depressing.UNICEF is doing its best to change things, and to respond to change when it is driven by the GOS or activists such as James Agwair. We were told by UNICEF workers that the GOS sometimes intervene to secure the return of abducted children, and did so before CEAWC's creation, but GOS intervention seems to be ad hoc.

From a "proposal for decentralising the implementation of the abduction eradication project" prepared by the Sudan Country Office of UNICEF we have taken note of the following: "UNICEF is planning to advocate for mass voluntary retrievals. This can only succceed if the President and top government ministers, officials, the media, religious leaders, tribal leaders and intellectuals from the Baggara group participate in this national effort to end abduction.

If there is such a mass movement led by the President and/or the First Vice President, UNICEF envisages that as many as 90% of all abductees, perhaps numbering more than 14,000 children and women would be retrieved within a few months;"

At first, UNICEF workers thought the creation of CEAWC was different, a very positive step, with the enabling order published by the Minister of Justice.

Now the assessment might be changing, as it seemed that that leadership was no longer being provided on this issue; no Minister or Wali (State governor under the new federal system) was providing leadership and advocating in affected regions against abductions.

The point was made to us that the President, the Minister of Justice, and the Minister of Foreign Affairs have never spoken publicly about CEAWC and the need for it. It was suggested that for them to do so would be construed as admitting there was a slavery problem in Sudan. Certainly, when the Minister of Foreign Affairs told us he would get involved in any slavery case, he was silent in respect of abductions.

Was the GOS only cooperating with UNICEF to the extent necessary? We heard about the

UNICEF worker, Dr. Hamid El Bashir, who had been working in Wau. He was arrested and tortured for 3 days in June/July 1999, and his wife and child were threatened. UNICEF had to get him out of the country. Also, it seems that UNICEF is also harassed with flight bans, as are the other humanitarian agencies of the UN system such as WFP.

Knowing that the GOS keeps saying UNICEF must retract previous statements about slavery,is it impossible to believe accounts that government bureaucrats sometimes obstruct the working of CEAWC? In addition, we were told there are members who see their role as being to show that there is no problem, and though we cannot judge whether this is so, some of the views expressed to us by committee members seemed more related to denial than demonstrative commitment. A case in point must be the argument that Dinka children willingly travel by train in Bahr El Ghazal to make tea for Arab guards.

But the fact that the CEAWC framework now exists surely means that international pressure matters in Sudan today, and this reality is heartening the UN workers in the field.

These workers do not see abductions as the result of "tribal fights", and since 1986, there have been no "tribal fights" as such between the Dinka and the Rizzegat. Nor do they have evidence that the Dinka are engaged in this practice of abduction into slave-like status. UNICEF has asked for lists of abducted Rizzegat children, but have never received them.

Here it is appropriate to acknowledge that abduction has certainly figured in relations between Dinka and Nuer, to the point where the GOS, and groups such as the Sudan Foundation, have asked why, in the Wunlit Accords fostered by Christian church groups, is the practice termed "Abduction" but these same groups use "Slavery" when talking of Arab/Dinka abductions? Indeed, we were told by one ambassador from an EU country that given that the Wunlit Accords specify in some detail what to do in cases of abduction, it must exist as a practice.

It should be said that this Dinka-Nuer abduction is done by both sides, which not only impacts on how victims are treated, but gives an impetus to efforts aimed at ending the practice. Both sides have a stake in the success of such efforts.

However, there is no pattern of Dinka abduction of Arab women and children, and only the GOS can make the murahleen see the need to eradicate their practice of abductions. Yes, for consistency's sake, it is perhaps more appropriate to refer to Abductions wherever they occur in Sudan, and whoever they involve, which in no way lessons the moral and legal obligation on the GOS to eradicate, not condone, the practice.

The practice is ongoing. The train that arrived in Wau on October 25, 1999, did, we were told, have abductees on board. 47 were released by the Wali.

What happens to those not lucky enough to be released in this way? UNICEF workers have interviewed many children, and learned that they are quickly put to work. Some have been later exchanged, for seven goats for example. There is not a market as such but there are exchanges of children for goods and even money. Meanwhile, according to our sources, most Baggara villages in West Kordofan and South Darfur contain abducted children busy with domestic labour.

The UNICEF Resident Representative, Thomas Eckvall, had just returned from a tour of El Fula, West Kordofan, and South Darfur when he met with us in the company of his senior colleagues and the UN Resident co-ordinator, Philippe Borel.

There is progress, stated Eckvall. Reunifications are slow, but 11 were returned the other day. More could be done; for example, the Minister of Justice himself was meant to accompany the UN team, as a show of GOS support for the fight against abductions, but he failed to appear.

The GOS needed to demonstrate its will on this issue & to make its own resources available. It was put to us that every penny spent to date has come from UNICEF, which the GOS keeps harassing because of the Executive Director's statement.

Though progress was being made, there continued to be systematic obstruction of our humanitarian assistance; it is not just UNICEF specific. Obstacles appear to be caused by individuals rather than orchestrated by the state, he thought.

Aweil and the infamous train lie at the root of this problem, according to Eckvall. The main reason that 11 abductees were returned from Aweil recently was because the GOS officials knew that the UN planned to visit.

According to UNICEF, the authorities in Aweil do not any longer allow abductees to come into Aweil itself by train. In October, 1999, there were 8 abducted children on the train; six months ago, it would have been 80. The number of abducted has decreased, but it hasn't stopped.

The GOS does clearly have a responsibility. It's essentially a Government train,taking supplies to the garrison maintained by the GOS and the murahleen are there on behalf of the GOS, and should be controlled by the GOS.

Philippe Borel voiced the thought that the UN would like to organize a train to deliver humanitarian aid because it would be cheap and more effective but in addition to the fear that the murahleen would attack it unless it carried armed UN guards the train requires a US part which it cannot get because of the embargo.

Thomas Eckvall pointed out that verifying anything is almost impossible, and one way forward might be for CEAWC to ride the train, but the critical factor was for CEAWC to receive proper and public support from the GOS, which is so far lacking.

One former political figure had only this to say about CEAWC:if there is no change to the policy of engaging the murahleen to guard the train but not paying them, then how will the practice be stopped? If you want to be serious about this problem, pay the murahleen and warn that if anything happens, by way of looting and abduction, they will be responsible.

Redemptions

The UNICEF workers said there is no evidence that "redemption" is actually fuelling the abduction problem, whether the redemption was real or "staged".

One worker doubted that "staged redemptions", if such there are, actually incite more abductions, since the population being "redeemed" is not the population abducted by murahleen. And redemption was practiced before foreign Christians got involved, when local intermediaries were paid a fee, sometimes in cattle or kind, to retrieve abductees. However, reports, especially from CSI, about very large numbers were questioned, and frankly not accepted. Mention was also made to us of evidence that the SPLA was involved in "recycling" abductees, but it was thought that the SPLA has dealt with this.

There is a real problem here. Serious anti-abduction activists, who are quick to credit CSI and similar bodies with putting the issue on the international, and thus the Sudanese, agenda, cannot relate the claimed redemptions to what they know of the reality. For example we were told that it would be hard not to notice how passive these "slave" children are when they are liberated or to realize how implausible it is to gather together so many people from so many locations so quickly – and there are always just the right number to match redemption funds available!

Indeed, we spoke with a locally engaged staff member of an international NGO whose own son had been abducted ten years earlier. With all his dilligence, effort, and expertise, he had been unable to track down his son for those ten years. Fortunately, the son managed to escape from the remote northern village of his abductors, and make his way back to his home area. This account casts further doubt on the plausibility of easy, mass, retrievals or redemptions.

Several informants reported various scenarios involving staged redemptions. In some cases, SPLM officials are allegedly involved in arranging these exchanges, dressing up as Arab slave traders, with profits being used to support the SPLM/A, buy arms and ammunition, and even to build a power base in opposition to John Garang, which, it is said, has caused a rift in SPLM, because those who object (including Garang) are reluctant to publicly expose it for fear of splintering the rebel movement.

Sometimes a "redeeming group" may be innocently misled, but other groups may be actively committed to fundraising for the SPLM/A & deliberately use "slave redemption" as a successful tactic for attracting Western donors.

We did speak with an eyewitness who can confirm observing a staged redemption and this testimony conformed with other reports we had from a variety of credible sources.

The "redeeming group" knew they were buying back children who had not been abducted or enslaved. The exchange was conducted in the presence of armed SPLA guards. The "Arab" middle man/trader delivering the children for "redemption" was recognized as a member of the local community even though he was dressed up in traditional Arab costume for the event.

Interestingly, even UNICEF has been accused of "Staged abduction redemption", in their case of recycling children from IDP camps. The accusations force UNICEF to be sure to focus on proper documentation, and it wishes CSI and others lived by the importance of this aspect of the struggle.

One NGO activist we met said that CSW & CSI have broached the issues in very different ways than his organization could, but have "upped the political & economic ante" with their claim that more than 4000 women and children have been redeemed. This does not solve the problem, but speaking up about staged redemptions or against CSI would "undermine what we could contribute to addressing causes".

Some Conclusions

The Governor, or Wali, of Bahr El Ghazal is said to have told a German parliamentary delegation bluntly that although he is governor and head of security, his decisions are only hypothetical – the Sudanese Army and security do what they want.

We cannot say what these state institutions want, but the practice of Arab raiders making life hell in Dinka villages in Bahr El Ghazal is either a measure of the inability of Sudan,a state at war, to provide human security to its citizens, or it is a war strategy, one wilfully dismissive of humanitarian law as it applies to internal conflict. It would have to be one rooted in a cultural disdain for the Dinka by the Arab elite which cannot admit to itself or others that something very much like slavery is going on under their noses and so, shamefully turns a collective blind eye. Either condition demands serious effort by the GOS to redress the situation.

This brings us to a related issue, one which is also rarely discussed but must be considered and addressed: sharecropping.

Many of those abducted in Bahr El Ghazal end up in South Darfur, but they are by no means the only Southerners to be found there. Despite the presence of about 100,000 IDPs in the state for 7-10 years, most still suffer chronic insecurity exacerbated by the exploitative agricultural practices of the host community.

Our information is that they are given no access to arable land, even though there is no shortage of it. They are consigned instead to sharecropping, with exploitative terms dictated by the landowner, usually an Arab. The sharecropper IDP must borrow food throughout season against his share of the crop, which leads to a situation of bonded labour. Does the GOS also turn a blind eye to this practice, which gives local Arab landholders a supply of very cheap labour?

The plight of IDPs is everywhere hard & Sudan is no exception, as we found when we looked at this aspect of the situation there. Many of the IDPs in South Darfur went there as a result of murahleen raids along the railway corridor; raids which took many of their children to Arab homesteads in that same state. Another Sudanese irony, but not the least, or the last we would encounter.

One of the most credible voices raised against slavery in Sudan is that of Anti-Slavery International. In 1997, it joined with Sudan Update to publish a comprehensive account of the practice. In its concluding section, this made the point that "The Sudan government is guilty of enough crimes for its critics not to need to exaggerate or distort its record. Unfortunately, this is precisely what some of its opponents are doing in the slavery debate. There is a danger that wrangling over slavery can become a fatal distraction from abuses which are actually part of government policy--which slavery is emphatically not.....The government is--largely--turning a blind eye rather than actually promoting the practice."

With the caveat that the GOS is relying on war-strategies in which abductions play a large part, the Assessment Mission shares this analysis and concern. The support for armed raiders must stop, and the GOS must find the will and the way to look at the practice clearly, and move firmly to eradicate it

The creation of CEAWC is a first step, but so far an insufficient one, towards ending a practice, Abduction into a condition of being owned by another person, which must be stopped. At this time, perhaps 15,000 Sudanese women and children live in such a terrible status. The GOS, focusing on the visible absence of "classical Slave markets",bridles at the use of the term Slavery more than at the plight of these women and children, and for this absolute misplacement of moral indignation there can be no sympathy whatsoever. Certainly, all our sympathy is with the women and children & their devastated communities. That so many of these communities are preyed on by those relied on by the GOS to guard its supply-lines places the burden of responsibility on that government, and it must bring this practice to an end. It cannot rely on the efforts of CEAWC alone.

CEAWC is the progeny of the Ministry of Justice in Khartoum, and spokesmen for the ministry have said that the regional machinery of the ministry has been tasked with assisting CEAWC in carrying out its mandate, and applying the rule of law. To the extent that this regional machinery can be made more effective in this aspect of its work, perhaps here there is room for Canadian assistance?

The CEAWC is now receiving funds from the European Union, channelled through UNICEF, & the EU maintains that it will be monitoring the progress of CEAWC in the course of its re-engagement with Sudan. Interestingly, one of the harshest critics of abductions in Sudan welcomed the creation of CEAWC but is already anxious at signs that it fails to live up to its promise, and become part of the problem rather than a driver towards a solution. Canada could join with those who are determined to press CEAWC into improving effectiveness of its work, and this does require vigilant resourcing.

One way of proceeding is to fund UNICEF, the major partner of CEAWC, both as regards the operations of CEAWC, & in fulfillment of UNICEF's own programme of technical assistance in Sudan. For example the agency has developed a project proposal aimed at decentralising the field work of CEAWC, and this includes a sub-project dealing with the Train, support for the "Dinka Committee", for a "Baggara Committee", field monitoring, and even "Root Causes". In addition, it has developed a major proposal on "Peacebuilding and human rights protection in war-effected communities in Sudan". This far-reaching proposal aims, among other things, at expanding the constituencies of an infrastructure for peace-building by promoting women and youth participation & supporting their peace initiatives. This would link very effectively with the focus on field monitoring, which would be greatly assisted if Canada were to help provide affected communities with training and equipment to record any murahleen raids.

One useful approach might be to establish a Canadian Committee on Abduction in Sudan, involving major government departments and concerned civil society groups, which could advise on ODA funding for anti-abduction initiatives in Sudan.

One anti-abduction initiative that rightly attracts favourable attention is the work [redacted]

Finally, neither the 1926 Slavery Convention, nor the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery require countries to report on measures taken against slavery, nor have they established any form of permanent treaty-monitoring committee (in contrast to most recently adopted United Nations human rights instruments). As a result, it is only if governments, or more likely, non-governmental organisations, choose to present information to the annual meeting of the United Nations Working Group on Contemporary Forms of Slavery, which was established in 1974 and reports to the Sub-Commission on Prevention of Discrimination and Protection of Minorities (and indirectly to the United Nations Commission on Human Rights), that the international community becomes aware of persisting patterns of slavery or slavery-like practices.

Canada could take a strong lead in campaigning for permanent monitoring mechanism and could seek the involvement of the ILO in fleshing-out a mechanism/system of procedures as the history of the ILO since 1919 has been focused on such a contribution to human security through international law and due process. The ILO, which will soon have the Sudanese position on forced labour and abductions examined by its Committee of Experts, is interested in providing technical assistance to Sudan to enable it to clamp down on forced labour, and Canada should consider this way of responding to the problem, as it did in 1996, when it first engaged the Child Labour issue through a grant to the ILO.

3 Internal Displacement and Forced Removals

The UN Under-Secretary-General for Humanitarian Affairs Mr. Sergio Vieira de Mello, has stressed that the crisis of internal displacement affects over 20 million people worldwide.

In response to this situation, the Secretary-General's Special Representative on IDPs, Mr. Francis Deng, a Sudanese national, has issued Guiding Principles on Internal Displacement These are based upon existing international humanitarian law and human rights instruments serving as an international standard to guide governments as well as international humanitarian and development agencies in providing assistance and protection to IDPs.

Guiding Principles

Mr. Deng has forcefully made the point that the task of ensuring protection for persons forcibly uprooted from their homes by violent conflicts, gross violations of human rights and other traumatic events, but who remain within the borders of their own countries, is a monumental one. Nearly always they suffer from severe deprivation, hardship and discrimination.

This is of course compounded by the fact that whereas Principle 3 states that national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons, the need for these things, the deprivation, hardship, and discrimination, can be laid at the door of those authorities in the first place. As Principle 5 makes clear, those authorities have to respect their obligations under international human rights and humanitarian law precisely to avoid the displacement of persons.

But what is the reality? A local official from Nhialdiu said "Civilians, cattle, children, have been killed, and our homes burnt. We don't think we are included in the human rights of the world."

And from a woman in the same village: "Our tukuls have been burnt. I hope you will convey that we are people, we cannot go and eat grass like a cow. Even if you bring food and medicines, but no guns, they will kill us."

These voices speak to Principle 10, which holds that every human being has the inherent right to life, and no-one shall be arbitrarily deprived of that life, including internally displaced persons.

It is clear that the Guiding Principles speak directly to the plight of IDPs in Sudan today. Leonardo Franco has stated that up to 4.5 million people have been displaced in Sudan since the beginning of the current phase of civil war in 1983. In his report to the UN General Assembly, he reiterated his concern at the prolonged war which "has affected mainly the civilian population, whose plight should be regarded as one of the most pressing human rights concerns facing the international community".

He was firm in his conviction that forcible displacement has been a major consequence of the violations of human rights and humanitarian law by the parties to the Sudan conflict.

Sudan: People on the move

In our talks with Dr. Hassan El Turabi, at that time still both Speaker of the National Assembly and Secretary General of the National Congress(formerly the NIF), he more than once mentioned that the people of southern Sudan had "voted with their feet", by which he meant that they had left the South, and moved northwards, with many of them settling in the Khartoum area. In fact, the UNDP believes that as many as 1.5 million IDPs are now living around Khartoum, which is overwhelming the authorities.

The displaced people themselves were living at a subsistence level; some wanted to leave and return to the South, but this is difficult. Communities were continually growing.
Some IDPs were moving into the normal life of the city. Learning that the GOS had developed a plan for dealing with the IDP phenomenon in Khartoum State, we resolved to visit both a redevelopment area and a camp for the IDPs.

We were driven to these sites by Dr. Sharaf Eddin Ibrahim Bannaga, Minister of Housing for Khartoum State. He explained that Khartoum had and was working to a development plan, which had been prepared in 1993 by a World Bank consultant.

It was being followed as the authorities attempted to deal with a serious influx of people. He frequently referred to "squatters", and it is the view of the UN Humanitarian Co-ordination Unit that along with "classical" IDPs, mostly Southerners escaping the war, many hundreds of thousands of poor Northerners have arrived in the Khartoum area, and more arrive every day.

The minister drove us through many sub-divisions being literally carved out of the red soil of the plain west of the city of Omdurman, explaining to us the care his ministry was taking to help the new arrivals, even though there were limited resources. After some time, and at our insistence, he drove us to one of the smaller camps for IDPs, Wad El Bashir. It "houses" about 50,000 people, some of whom had been there for as many as 7 years.

One woman we spoke to had arrived there from Aweil, and was just getting by, as no work was available. Most IDP households are headed by women.In order to survive and feed their families, in circumstances where there are no jobs and no financial support from government, the women have to do what they can. When they turn to producing alcohol, as many do, the results are catastrophic. The activity is illegal in Sudan though it does earn the women subsistence income. Perhaps the authorities are against it as much for this reason as any other. In any event, the result is often heavy fines and very hard imprisonment, sometimes children incarcerated along with mothers, further family break up and destitution all round.

The camps themselves are home to rough and ready church buildings, and it is these which often face demolition at the hands of the State authorities. Our information is that, indeed, at the local level, there is a general anti-Christian bias which affects chances of finding a job or being given a proper house space, which the authorities are providing for the Northern "squatters" who come into the city. Camps have Popular Committees which appear to serve as the government's mechanism for informing the people when necessary, and for being informed at all times. There are traditional chiefs, whether the people are Nuer or Dinka, and sometimes they are mixed, but the chiefs seem to have little authority.

In addition to the camps such as El Bashir, Salem, and Mayang, many IDPs are reduced to becoming squatters, erecting rude shelters where they can, and, of course, being regularly subject to demolition. But still they arrive in Khartoum.

In discussion with UN workers engaged with the problems of IDPs, we learned that there are IDP camps in other parts of Sudan too. There are three official camps in West Kordofan, and, again, there are IDPs resident in them who have been there for 10 years. In South Darfur, there are fifteen camps, with more IDPs outside them than inside. The problem,of people moving, or being moved, because of conflict, is complicated by the fact that humanitarian agencies often find it difficult to move around, and thus reaching those outside the formal camps is sometimes impossible.

Displacement and Oil in Northern Sudan

We were naturally interested in people moving, or being moved, because of oil development, which led us to travel outside Khartoum, once to the north, along part of the pipeline route to the new refinery being built mainly by Chinese contractors, and once to Dilling, in the Nuba Mountains, to the site of a pumping station on the pipeline.

On each occasion, we were assured that local people who had to be moved because of the pipeline were given compensation. The Pipeline Security Manager for GNPOC, Osama M.M. Saeed, indicated that he sat on a committee which planned relocations and compensation. North of Khartoum, where we travelled with one of his deputies, there was little evidence of special security around the pipeline, and Mr. Osama believes that a contented local population is the best bulwark against insecurity. In Dilling, both the town itself and near the pump station, it was not unusual to see armed men in civilian clothing. According to Mr. Osama, in town these were local cattle herders, who need the weapons to protect their cows; at the pump station, the guns were the property of locals who look after security, and their families. In each instance, the man carrying a gun was an Arab.

Displacement and Oil in Southern Sudan

We were also interested in the non-Arab peoples who lived near oil development, and we learned that in Khartoum there is a Pariang Association. Pariang, sometimes known as Faryang or even Panriang, was described to us by Talisman Energy Inc. as a Dinka village located on the eastern edge of the GNPOC concession and the location of a recently completed GNPOC/Talisman medical dispensary. A place of some interest to us, given our mandate.

The Pariang Association represents people, mainly Dinka, displaced from the Pariang area and now living in the camps for IDPs near Khartoum, camps such as Mayang. It attempts to provide schooling for the children and other assistance for the families. We were told that people started coming north from Pariang in 1983, the year the war was resumed, and have been coming ever since. About one hundred had arrived in the last six months, others are known to have stopped in Kadugli and Kortola.

The major displacements,or what some have referred to as forced removals, for one part of Unity Stae, the Pariang area, coincided with the outbreak of factional fighting around the state capital, Bentiu, in May, 1999.

Ruweng County/ Pariang Province

UN Special Rapporteur Leonardo Franco wrote of this area being attacked in May 1999, with villages on the eastern edge of Heglig being attacked and burnt to the ground. He said that as many as six thousand homes were destroyed, along with 17 churches, all leaving 1,000-2,000 people displaced. Given that it is not easy for anyone to access the area east of Heglig, that confusion abounds over village names, and that the average "home", a hut known as a *tukul*, might house as many as 6 people, knowing what took place is not a simple task, but something bad happened in Ruweng County in May, 1999, and we did our best to find out just what.

This was far from simple. In addition to speaking to people now in Khartoum who had been in Ruweng in May, 1999, to others still in the county itself, or in other locations in South Sudan, and even northern Kenya, we visited Ruweng twice. The first visit, made possible by Talisman Energy Inc., was to Pariang village, under GOS control. Here, the surrounding territory is not known as Ruweng County, but rather as Pariang Province. The second visit, facilitated by Operation Lifeline Sudan, was to Biem, some distance east of Pariang village, in Ruweng county. This is an area nominally under SPLA control.

Adding all of our visits and talks together, a composite picture emerges which we believe puts the Franco report in better perspective. But whereas Leonardo Franco focused only on May,1999, the story begins much sooner, and it has not ended yet.

The claim has been made, most frequently by Talisman Energy Inc., that the "oil field area" has never known permanent habitation, always being the scene of widespread flooding in the rainy season, and of cattle drives and nomad camps in the dry season. Quite possibly, this is true of a very small area centred on Heglig itself, site of the GNPOC base camp & pipeline terminus and a small village and market. But Heglig used to be known by its Dinka name, Aling, & may, before oil exploration in the 1980's, have been home to permanent settlement by the Dinka Panaru. The area to the east of Heglig, towards Pariang village and beyond there into the depths of Ruweng county, certainly was.

Maps made in 1954, prior to Sudanese independence, show that Ruweng County and the area westwards to Heglig and south towards Rubkona and the Bahr El Ghazal River was home to the Dinka Panaru and Dinka Alor, cattle-rearing people. The name Pariang is from the Panaru. West and south of the Dinka Panaru were the Leek Nuer, centred on the town of Bentiu, & to the east of them, the Shilluk and the Dinka Ngok.

South of the river were the Bul and Jikany Nuer, and to the west of the Bul were more Dinka Ngok, and the Dinka Twic, around the town of Abyei.

From various sources, it appears that while there have always been pressures on the Dinka in the Heglig-Ruweng area, with Arab nomads driving their cattle south and fighting with the Dinka for grazing areas and dry-season water, pushing the Dinka against the Nuer, between whom similar fighting was a regular feature of life, the situation changed perceptibly with Chevron's arrival in 1976.

To the limited extent that Talisman found an "empty landscape" when it arrived in 1996/97it was largely because the discovery of oil had well before then increased the pressure on the Dinka, forcing many of them to abandon their villages.

Some witnesses maintain that the pressure increased even more after the NIF-led government of Sudan began to link its future to oil. In **February 1992**, GOS began planning for oil exploitation, and the military began offensives causing death of 35 people (mostly civilians), with the theft of about 500 cows, some tukuls burned and people forced out: This affected the villages, or perhaps hamlets, given that some contained only a few tukuls, of Pandakwil, Kong, Panlokwoc, Lok, Kwoc, and Panlock-Bibiok. But the people, in the main, managed to return, resettle and reconstruct.

In **November 92**, and until **April 93**, the GOS and Arab murahleen allied to it conducted a 5 month offensive with looting, burning, abduction. This period saw 213 deaths, 63 abductions, instances of rape, and 1237 cattle stolen. In all, 57 hamlets were burned, and 1,300 people displaced to GOS controlled areas before SPLA forces caused the GOS troops to withdraw to Bentiu and El Obeid

A new offensive began in **December 1993**, when 26 people were killed in hamlets near to Heglig (Panlok, Kwok, Nhorial, Panagwit);it is maintained by survivors that the GOS was trying to clear the area so the SPLA would not be near the oil. It was after this that the area around Heglig was more or less deserted except for GOS forces. The Dinka village of Athonj was renamed El Toor, and the GOS deployed troops in Maper, renaming it Munga. Both will figure again in this report.

In **October 1996**, the GOS and its allies launched a further offensive, displacing many thousands of people into towns such as Bentiu, Khartoum far to the north, and even Kadogli in the Nuba Mountains. But many also fled into the "peacecamps" in Pariang and Athonj, where their coping mechanisms were limited because cattle were stolen and seeds destroyed.Famine was on the way. **December 97 into 1998** saw the burning of tukuls in Panlok-Kwok, Mankuo, Aloual, and Ngoniak. In **June 1998**, the murahleen raided Panlok Kwok again, stealing 112 cows, and killing 4 people.

Drilling was underway in Heglig and Athonj (El Toor) in **1998**, and in **October**, more people were displaced from the latter. Later in this report, we will discuss El Toor again, concerning reports of an incident there which Talisman looked into after we had raised it with them.
But it was as Athonj that the village was known when the Dinka Panaru lived there, and when, earlier in 1998, the government of Unity State implemented a modest agricultural scheme there. The harvest had been good, and the state authorities planned to expand the scheme in 1999. But they were told by the Sudanese Army that no settlement or agricultural scheme would be allowed so near the oil site, and the people were forced out.

On **9 May 1999**, a new offensive was launched from Talodi in the Nuba Mountains and from Pariang, in which Antonovs and helicopter gunships supported troops using armoured personnel carriers. Roads built by the oil companies enabled these to reach their desitinations more easily than before. Heavy bombing occurred near the Dir river where many of the Dinka habitually reside in the dry season. The attacks began within a day or two of major deliveries of food by the UN's World Food Programme, and much of the foodstock was destroyed. The premises of a foreign NGO, Medair were damaged and the staff withdrawn. The village of Biem 1 was destroyed, and the burning of tukuls and theft of cattle ranged as far as Padit. Biem 2, which we visited, was badly damaged, and is presently being reconstructed. Oxfam has provided plastic sheeting for some of the reconstruction in Ruweng County, and it is visible today.

One WFP official visited Gumriak in April, 1999 and again in July 1999, when he saw the burnt tuckuls where the freshly delivered food had been stored. Before the attack, 32,000 people had been on the food distribution list in the Biem area; at a food drop in November, 1999, less than 10,000 people were served; one informant told us he thought this might be because the people were too scared to come out of the swamps in July 1999, and many have now left the area altogether.

Another humanitarian worker was in Gumriak, at the Medair compound, when the May attacks began.Before he was evacuated on May 12, 1999, he witnessed, and lived through, bombings and frequent runs by helicopter gunships. He was sure that many civilians died, though he could not give an estimate.

We heard that the Medair compound was burned down, constituting an end to the presence of foreign NGOs in Gumriak and the surrounding area. More than one informant has maintained that a goal of the May attacks was to rid the area of this NGO presence.One humanitarian worker who made a number of trips to Gumriak between April and July, 1999 was convinced that the GOS just did not want the NGOs around, and this conviction hardened after he had taken off following one trip and a helicopter gunship appeared and attacked the location he had only just left.

And what he saw on these trips has made a strong impression, one of tukuls still burning, food stocks and seed inside, huge numbers of tukuls destroyed, particularly along the road linking Tajeil, Gumriak, and Padit.

The offensive lasted almost two months, not the ten days mentioned by Leonardo Franco, who may have been thinking only of the use of ground troops and the movement of these was stopped by the rains in June. The offensive was characterized by bombing runs and helicopter gunships flying low enough to kill people, and make the survivors afraid to cultivate. A local SPLA commander, Faldon Roy, was killed in one such attack.

From April to July 1999, the decline in population in Ruweng County seems to have been in the order of 50%. Gumriak declined from 9,474 to 5,274, Mankwo, from 20,572 to 9,438, Bomadol from 8,088 to 3,288. And it has not stopped: Tajiel was first attacked on 11 May, most recently on 1 November, and later that month, people around Biem showed up for a UN food drop, but people from Gumriak could not reach Biem because of the floods and the distance.

An End in Sight?

The Athonj – Pagoi line of villages closest to Heglig have been gradually displaced eastward or outward from at least 1996 onwards to May, 1999. The displacement from these villages has been permanent with exception of Athonj/El Toor (which is a few kilometres north of where it used to be, and where the current residents are thought to be IDPs returning south from Khartoum). The areas further east of Heglig have been subject to periodic attack, bombing, looting, killing, abduction, burning out etc., including the May/June 1999 offensive. This has caused people to flee into the swamps & elsewhere, but somewhere around 40% had returned to rebuild as of July 1999, though their coping skills are sharply reduced by the insecurity and the inability to cultivate. Others have been driven further afield, or into the Pariang "peace camp": where they might be able to access Talisman's new clinic; indeed, the "town" is in the process of being "moved", re-built nearer to the clinic on higher ground. We heard a lot said about the GOS desire to consolidate rural populations in the oil areas into locations where control, over both behaviour and movement, can be maintained.

In the Calgary Herald, December 6, 1999, Talisman CEO, Dr. Jim Buckee said that "The village governor (of Pariang) advises that over the past two years, the village has grown from 8,000 to 11,000. Early development projects, funded by the oil project, have brought hope and stability to to the area. Even when the people are coerced by the promise of limited food security or basic health care, it essentially remains forcible displacement, it is pacification, not peace, and definitely not project-driven development.

It is difficult to avoid Leonardo Franco's conclusion that a "swath of scorched earth/cleared territory" is being created around the oilfields. It is necessary to infer that over the years, the series of attacks and displacements are leading to a gradual depopulation, as only a percentage of people who flee return after each displacement. Franco's conclusion may well be correct, and it is necessary to bring an end to these vicious displacements.

One active resident of Pariang town offered his particular perception of the displacement process. He asserted that there had been little conflict around the town since 1995, and when the SPLA moved in during 1996, Tito Biel, then of the South Sudan Defence Force, "rescued" it. Little happened then until early May, 1999, when GOS forces conducted a "combing operation" in the area as a result of the abduction and killing of the ICRC workers earlier in the year.

Soldiers from a military convoy using Pariang as its base went to four villages, Gokua, Deng Akol, Biu, and Chitting, where women were raped, causing whole populations to leave. Tukuls were burned, and people hid in the swamps, though many have begun to return, moving into Pariang itself.

A foreign humanitarian worker told us he had heard it said that the GOS offensive, which we are convinced was a major violation of international humanitarian & human rights law unjustified in anyway was initiated because of rumours that the SPLA was planning to attack the oilfields from the eastern edge of Ruweng County & indeed an oil company official told us that in May 1999, 5 people - one Chinese, four Sudanese locals - on a seismic crew were abducted by the SPLA at Munga, east of Heglig and northeast of Rubkona, between Bentiu and Pariang.

A soldier was also kidnapped at the same time and was killed. The head of security at Heglig has since indicated that the kidnapping took place at 10.00 am on May 12, while the GOS assault in Ruweng County was already in full motion, and the crew was released at 9.00 pm on May 17.

Also in May there were three GOS soldiers guarding the IPC oil rig at Thar Jath, in Block 5A, south of Bentiu, who were abducted from the camp near the rig and killed. As will be spelled out in more detail later, the area south of the Talisman concession & essentially south of the Bahr el Ghazal river is where much of the inter-factional fighting as an element of the "Oil war" is taking place. Talisman is not the only foreign oil company embroiled in this war.

The ICRC tragedy, the abduction and killing of Red Cross workers between Bentiu and Pariang, rather than feared or actual SPLA assaults, was also mentioned as a pretext for the May, 1999 GOS attacks in Ruweng County by a prominent Southern politician we spoke to in Khartoum He also emphasised that, at least since British times, there had been permanent settlements where the Heglig and Unity oilfields are located, but these were mostly depopulated in Chevron's time,long before Talisman. He advanced the view that in those days, the Messariya Arabs were encouraged to move in behind the retreating Dinka and Nuer, and when Omar Bashir took over, he originally favoured returning the displaced Dinka and Nuer to their villages, but, instead the Messariya established settlements.

The people of Ruweng County have never been free of inter-tribal conflcits and pressures, but they have been particularly insecure for the years since 1983, when the resumption of civil war at least coincided with, and some say was due to, oil activity in their area. Consider the people of Athonj, or now El Toor, site of a Talisman or GNPOC rig.

The original village seems to have been "displaced" in the May 1999 fire storm; the village was "re-built" a few kilometres away, near the oil rig. In September, 1999, an attack by the SPLA killed 5 GOS soldiers, and the villagers fled yet again, though most soon returned.

When an NGO representative mentioned to us, in the hearing of a Talisman executive that homes had been burned and people displaced at El Toor, the executive's initial and spontaneous reaction was to deny any knowledge of the incident, and in this he can readily be believed.

On the other hand, it can also be wondered if he, and others, have actually shied away from knowing what has been going on around them. He promised to look into the incident, and later produced a Canadian oil worker who said he had heard "from our own security guys that it was Dinka raiders, not the GOS. The people who were there before are still there".

Later still, the executive produced a "security report" for the week of 15 to 21 September, 1999, showing that "an inter-nicine tribal incident occurred between 3 Dinka tribal villages occurred south of the El Tour Final processing Facility...In a relatively sophisticated operation one village was attacked whilst the attackers ambushed the tribesmen from its sister village as they rushed to the rescue. After the intervention of the Sudanese Army a tally of the casualties revealed six military wounded, five dead attackers and an unknown number of defenders killed in the ambush...No rebel involvement was reported and it is confirmed that the incident remains merely an inter-tribal problem."

For Talisman, so very much seems to be explained as "merely an inter-tribal problem", but displacement has gone on, and is still going on, and in Ruweng County, it is hard to deny that Displacement is now, and has been for some time, because of oil. This is a commodity which, its potential notwithstanding, is seen increasingly as, and may well be, the enemy of a people with nowhere to go where they can enjoy human security.

It is to Leonardo Franco's credit that he has brought this to light.

4 Oil and Conflict Examined

In his 1976 book, *Oil Power*, Carl Solberg writes that the "primacy of oil is due in large measure to a very special quality: it flows...This flowing and fugitive quality of oil (there is something slippery and elusive about the stuff) has made its pursuit and capture underground the quintessential venture of risk taking capitalism"

Talisman Energy Inc. is the largest independent oil and gas company in Canada, and perhaps the third or fourth largest in the world. It is a major Canadian corporation, with a very broad ownership base and real roots in Alberta, where it maintains its head office & many oil assets. It is also the largest oil and gas producer in Ontario. Talisman expected to spend $245 million in Canada in 1999.

It was created in 1992 as part of a management buy-out of the assets of BP Canada. It has never been risk-averse, and while its Canadian operations currently account for most of its income, Talisman has been active in the North Sea, Algeria, and Indonesia, as well as Sudan.

Oil in Sudan

The distinction of being the 1st foreign oil company to seek to capture oil in the Muglug Basin of southern Sudan goes to Chevron, which was granted a concession in 1975, and started drilling in 1977. In 1979, it made its first discovery. In 1980, it made a significant discovery in the Unity/Talih area north of Bentiu in Western Upper Nile, and by May, 1982, it had discovered substantial reserves of oil in Heglig, just inside South Kordofan.

By this time, Sudan's rulers had gone back on agreements reached with Southern leaders and revealed a strong desire to ensure that oil was drilled, pumped, refined, and piped in the North of the country, not the South, which contributed to the creation of the Sudan people's Liberation Army in 1983 and the resumption of civil war, which continues to this day.

The Canadian company, Arakis, entered the scene after Chevron withdrew following armed attacks against its facilities. First Chevron halted its work in February, 1984, after three workers were killed at Rubkona (now planned to be the operational base of IPC), decided in 1988 to resume, and then withdrew in 1990 and relinquished its concessions: enter Arakis.

Peter Verney, editor of Sudan Update, made the claim that when Chevron resumed operations in the late 1980's, it tried to support a militia from the Baggara, who are Arab cattle herders with a long history of conflict with Nuer and Dinka over water and grazing rights.

There can be no understanding of the oil conflict in Western Upper Nile without keeping in mind the interplay of Baggara, Nuer, and Dinka. But to see conflict as being nothing more than some kind of traditional interplay between armed cattle-herders is so limited as to be akin to almost wilfully hiding from facts, and depending on fantasies.

Arakis appears to have been led by a businessman with very good links to the NIF in Sudan, a connection invaluable in ensuring that Arakis was able to pick up Chevron holdings for a small stake. But to develop these holdings required a much bigger stake, one which was revealed as being too big for Arakis: enter Talisman, which on October 8, 1998, completed the acquisition of Arakis Energy Corporation, thereby acquiring a 25% interest in the oil exploration and development project in Sudan being operated by the Greater Nile Petroleum Operating Company (GNPOC), a consortium co-owned by the national petroleum company of China (40%), the national oil company of Malaysia (30%), and the national petroleum company of Sudan (5%).

Canada is committed to ensuring that private sector involvement in Sudan does not prolong the conflict in Sudan or fuel related human rights abuses, & the government believes that the private sector has an ethical responsibility to ensure their operations do no harm, but rather contribute to fostering a climate conducive to building a durable and just peace. Canada has sought assurances from both the Government of Sudan and Talisman Energy that both international humanitarian and human rights laws are being upheld, and that oil extraction and export is not exacerbating the conflict in Sudan.

War in South Sudan: Oil and Troubled Waters

Leonardo Franco, Special Rapporteur, reported in detail to the 54th. session of the UN General Assembly in November, 1999, and he devoted a section of his report to Conflict in the oil zones, where he elaborated on events in Ruweng County in Western Upper Nile, in May 1999, a commentary we have examined above & one which Dr. Buckee of Talisman later characterized as based on hearsay.

Leonardo Franco gave attention, and perhaps credence, to claims that "long-term efforts by the various governments of the Sudan to protect oil production have included a policy of forcible population displacement in order to clear oil-producing areas and transportation routes of southern civilians, who were suspected of supporting sabotage actions by the SPLA."

He claims that the economic, political and strategic implications of the oil issue have seriously compounded and exacerbated the conflict and led to a deterioration of the overall situation of human rights and the respect for humanitarian law as well as further diminishing the already slim chances for peace.

Some of this criticism could be described as misplaced: most of the media attention equates oil and Talisman, but to many of the militia commanders, oil also means the Riek oil field between Duar and Koch, that is, south of Bentiu and outside the Talisman concession, part of the operations of IPC, formerly known by the name Lundin.

One report from a UN-system official compounds this possibly unjust equation but makes an interesting observation nonetheless."Talisman Oil company claims that the new oil field industry will bring prosperity, jobs, education, and health to the Southern Sudanese. They even organized a media trip to the Heglig oilfields to prove it to journalists. However, in Duar, the ongoing fighting chased all of the NGOs away,leading to complete neglect of basic services such as water and health facilities. WFP staff reported that since there were no working water pumps in Duar, the population had to walk for at least 6 hours to find water."

Alex de Waal said, ten years ago, that "a straightforward military victory cannot be achieved by either side in the present war."

This sentiment was echoed by most of the Sudanese leaders the Assessment Mission met with, including Hassan el Turabi, who has often been characterized in the western press as a hard-liner determined on military victory, one now made possible by oil revenues.

Whatever his reasoning/motivation, it was interesting that, in our discussion with him, he more than once said there was no issue left unresolved between North and South, which could have its referendum and leave if it wanted to.

Nothing is that simple in Sudan today and nothing was when de Waal wrote about the war which Turabi's political forces had at that time just inherited.

And now, ten years later, the main fighting in Southern Sudan is going on between these armed factions. Yes, the broader conflict goes on, bombs do fall on Equatoria, not just Upper Nile. Garrisons are maintained in Bahr El Ghazal and the Nuba Mountains, not just at Bentiu or Mayom. Civilians are denied access to relief supplies in other places than Pariang Province or Ruweng County.Hunger as a weapon of war is more potent in Sudan than the Antonov "bomber" and their often rudimentary cargoes.

But since at least May, 1999, bloody fighting has gone on along the edge of the main oil concessions in Upper Nile, and that fighting has pitted one Nuer militia faction against another.

On Thursday, December 2, 1999, the Reuters correspondent in Khartoum reported that sixteen militia commanders once aligned with the GOS have announced they are joining forces with the "main rebel faction in the south". That is, they declared their intention to fight the GOS alongside the SPLA in Upper Nile.

The collapse of the Khartoum Peace Agreement

The re-alignment of basically Nuer militias was clearly linked to oil, and its importance is underscored by the fact that the militias were at one time intended by theGOS to provide security for the oilfields themselves.

We were able to discuss this situation with Dr. Riek Machar, former colleague of SPLA leader John Garang, now Assistant President of Sudan and Chairman of the South Sudan Co-ordinating Council.

Machar maintained that the oil companies were previously secured by the Nuer forces, and had faced no fear of attack or disorder. The problem was clear to him: fighting is going on in Unity State (Western Upper Nile) between the Sudan Army and the Nuer militia. It was clear that the Khartoum Peace Agreement was not being implemented properly.

The KPA was signed in 1997 between the GOS and Southern leaders, including Riek Machar, who had broken away from John Garang's SPLA.

According to [redacted] the KPA was abandoned shortly after it was born, and all it did was give jobs to Riek Machar and some of his associates. No action taken on creating a joint cease-fire commission, an oil revenue allocation commission, the re-settlement of internally displaced people, and much more.

Machar had written a memorandum to GOS on May 25, 1999, outlining the various violations and non-implementation of the agreement. He was convinced that the war in Unity State was not warranted and there was no political reason for it, but things were looking bad around Bentiu, the state capital, by then.

But, in truth, the "process" had been going nowhere fast anyway, but events on the ground had. In September 1997, a disagreement arose between Paulino Matip, the SSDF commander in Unity State/Western Upper Nile, and his deputy, Tito Biel. Matip was opposed to the choice of Taban Deng Gai as the candidate of the political arm of the SSDF, the United Democratic Salvation Front (UDSF), for governor of the state. Taban Gai was elected in December, 1997, and Matip set his mind against both the new governor and Riek Machar.

In February, 1998, fighting broke out in Bentiu between supporters of Taban Gai (Tito Biel) and those opposed to him (Paulino Matip), leaving many dead, and making the split between Matip and Biel permanent.

Machar wanted the GOS to rein in Matip, and learned to his chagrin that Matip had been made a Major General in the Sudanese Army. Then, again [redacted] fighting broke out on May 1, 1999, between the SSDF troops commanded by Tito Biel and the Sudanese Army, over who should control security in the oilfields. Matip took the side of the GOS, and ordered governor Taban Gai to leave Bentiu within three hours. This he did, and now lives in Khartoum, where we were able to have an instructive conversation with him. It is perhaps useful to understand that Matip had a letter of ultimatum delivered to Taban, not only telling him he had three hours to leave, but exactly why, and one reason was that Taban's "meeting with Garang's movement in the area of Wunlit was meant to delay the process of petroleum refining."

We have been told, by people who were there, that the clashes in Bentiu were precipitated when Matip confronted the SSDF over replacing the Sudanese Army garrison in Leer, a town south of Bentiu. He had wanted to rotate troops by road but was told it could only be done by helicopter. When SSDF observers noticed that the helicopter arrived full of fresh troops but left half empty, shooting started, and it has not really stopped. UN and other officials and NGO activists soon evacuated Leer, though not before some of them were able to see, and have reported to us, that a white helicopter, flown by Caucasians, was being used to bring Matip's troops into Leer.

These reports had a particular poignancy for us, both because they also figured in difficult discussions we had with Commander Tito Biel and Commander Peter Gadiet, and because the helicopter in which we ourselves flew to places like Bentiu was a white one, made available by Talisman. The machine in question, C-FNMO, was operated by Northern Mountain Aviation of British Columbia, and its Caucasian pilot, [redacted] did say he had indeed been asked to fly in support of military operations in the area, and had refused.

C-FNMO operates out of the airstrip at Heglig, and it should be mentioned that we saw a second, and larger, white helicopter there, a Russian-made transporter operated by Green Flag Aviation. We never did see its crew.

The fighting between Biel and Matip died down a little in June, though by this time, as always happens in South Sudan, thousands of people were on the move. On July 11, approximately fifteen people were taken from their homes in Bentiu. They included two ministers in the Unity State government. Most were soon found dead and the SSDF accused Matip of having them killed.

In September, matters worsened when Matip's principal lieutenant, Peter Gadiet, threw in his lot with Tito Biel. Both Biel & Gadiet have told us that they will now only fight the GOS, by which they mean Matip and the Sudanese Army, but not each other or the SPLA. Matip claimed, in his letter to Taban Gai and on other occasions, that the SSDF was acting in concert with the SPLA, which was probably not true at the time. On October 15, the UN Resident Co-ordinator in Sudan released a background Brief on the Conflict in Sudan, in which he said that if Matip's claim were found to be true, it will seriously threaten the security of the oilfields, and mark the breakdown of the Khartoum Peace Agreement. Meanwhile, he said, an SSDF commander has accused the GOS of siding with Matip, claiming that airforce planes had bombed SSDF troops.

Bombings there certainly have been, hitting civilians, and forcing others to flee, as well as hitting SSDF troops. There is a war going on in Unity State/Western Upper Nile, a small one, but a deadly one. The Humanitarian Co-ordination Unit of the UN in Khartoum put out a Situation Report on the area on October 16, 1999: "The oil field near Rigat was reportedly attacked a week ago and an unknown number of people killed. There are reports of Nhialdu being attacked, shelling in Bentiu, further gunship reinforcements and bombings taking place. Road communications between Bentiu and Rubkona have been cut. There are reports of landmines between Rubkona and Tongat. Tong is reportedly occupied. The security level of Western Upper Nile locations is at 'red no go'."

One week later, a press release was issued from the "General Headquarters of the South Sudan Defence Force", over the signature of Commander Kwong Danhier Gatluak. It said, in part, that "as we went to press, fighting is continuing in and around Mayom between forces under the command of Commander Peter Gadet Yat and the so-called Petroleum Protection Brigade, Liwa Hama El Bitarol. These forces of Jihad were badly beaten off when they tried to come out of Mayom town on October 19, 1999."

The release also said that "fighting had also flared up in Leer on October 18, 1999, under overall Commander Tito Biel Choir and under the direct operational command of Cdr. Peter Par Jiek. It is crystal clear that the GOS's policy is genocidal geared to wipe out or incapacitate the civilian population in Western Upper Nile so that the GOS and its constituents can exploit the oil without resistance."

The Nuer militia commanders we met, including Biel and Gadiet, want the oilfields shut down. If it cannot be accomplished diplomatically, they say they are prepared to attempt it militarily. They or their emissaries have met both with each other, including at the "southerners only" peace sessions at Waat, where they agreed that the KPA was a dead issue, and also with Salva Kiir, the deputy to John Garang and Chief of Staff of the SPLA, an organization sometimes characterized as a Dinka army. Any confidence they have in facing the coming dry season comes from these encounters.

Dinka and Nuer: From Hostility to Peace, Wunlit and Waat

Paulino Matip was obviously worried by & concerned about the meeting in the "area of Wunlit", which is in Tonj County, a Dinka district in Bahr El Ghazal. The meeting between Dinka and Nuer leaders which took place there in February of 1999 was of the utmost significance to any understanding of the situation in Sudan.

The 1990's have not been kind to either the Nuer or the Dinka. Earlier hostilities and rivalries aside, in 1991, the SPLA, which had driven the Sudanese army out of most of the South, exploded into warring factions.Initially linked to the gulf between John Garang and Riek Machar over whether or not the SPLA should give up the aim of a united Sudan in favour of Southern independence, and then confined to the upper reaches of the Southern military leadership, the conflict became a violent full-scale one between the Nuer and the Dinka. It reached the point where some analysts believe that the number of Dinka and Nuer who have died in this conflict exceeds the number killed by the Sudanese army.

In 1997, Machar and other ex-SPLA figures signed the KPA, a separate peace with the GOS, and their troops officially became part of the "Southern Sudan Defence Forces", a move which many Southerners, including Nuer military commanders, did not find acceptable. These fighters were angered when the GOS began moving troops into "Nuer areas" in 1997/98.

Meanwhile Nuer and Dinka community leaders, appalled at the fighting between their peoples, came to see the conflict as one of elites, and not inevitable. Before long, voices were raised denouncing both Garang and Machar and the very idea of continued fighting. Military stalemate set in, which the GOS is said to have found ways of exploiting, partly through providing ammunition to the proliferation of Nuer factions.

In addition, the fighting between Machar and Matip sobered more than a few Nuer and Dinka alike; some SPLA soldiers began to wonder if their leaders really wanted peace, and the political situation began to favour regional initiatives of peace and reconciliation between the Nuer & the Dinka.

By June 1998, it was possible for twenty or so Nuer and Dinka chiefs to hold talks at Lokichokkio in northern Kenya, with help from the New Sudan Council of Churches. Over a 10-day meeting, the chiefs became convinced that peace between Nuer and Dinka was now possible.

The February/March, 1999 conference at Wunlit was the next logical step. Though John Garang refused to endorse the event, his deputy, Salva Kiir, himself a Dinka from Bahr El Ghazal, did everything to make it possible, and to make it a success.

It was aptly called the Dinka-Nuer Peace and Reconciliation Conference, and it opened with the sacrifice of a great White Bull and included Christian worship. Much emphasis was placed on storytelling and ownership by the participants. It ended with each of them signing or marking the Wunlit Dinka-Nuer Covenant, declaring an end to seven and a half years of conflict.

Among the declarations: that border grazing lands and fishing grounds shall be available immediately as shared resources. And : that all hostile acts shall cease between Dinka and Nuer whether between their respective military forces or armed civilians. The first of these is already working, and being put under strain. We were able to talk in Wuncuei to a number of Dinka and Nuer chiefs forced to live side by side as a result of the massive displacement of people from villages fought over by Matip and Gadiet, people who see themselves as being forced out by the GOS in its desire to keep them away from the oilfields.

One of the chiefs, Wilfred Ring, had taken part in Wunlit, and believed in it, but he was saddened by the sight of Nuer arriving along with diseased cattle, a battered people seeking support from their Dinka neighbours. He was unhappy about the likelihood of Dinka cattle dying too, "But what can you do? We are now living in peace with the Nuer, so we have to accept it."

Wilfrid Ring will keep trying to accept it. Others, particularly those far from the fighting, do not seem able to, and some of them may well be trying hard to disrupt it, and witness a return to conflict between Dinka and Nuer.

From the KPA to Wunlit: Peace as a Threat to the GOS?

While we did not meet with President Bashir, we did meet Dr. Turabi and a number of the ministers in Khartoum. A group of people Alfred Taban might criticize for not acting sooner and with genuine resolve, to honour and implement the KPA. Indeed, Phillipe Borel, in his October 1999 briefing note on a possible humanitarian tragedy, touched on the KPA.

He said it was puzzling to many observers just why the GOS was not able to stop the fighting between the militias in Unity State/WUN when these were initially all linked to the GOS through the KPA. He said this situation had led to suspicion that the GOS was looking for a way out of the commitments it had made in the KPA and to fuel fighting among its signatories on the "rebel" side was its only way out.

Perhaps this thesis only makes sense if, in fact, the GOS does, secretly, believe in a military solution to the war, one which would presumably entail the use of oil revenues and have to include resumed, dry-season assaults, against the "SSDF" rebels in Western Upper Nile, and against the SPLA south of Wau in Bahr El Ghazal.

Some analysts also might see in the growing accord between these two armed oppositions the major threat to the GOS since the coup of 1989 which brought President Bashir to power. Our Assessment Mission is in no position to offer an opinion on such matters, though we feel obliged to do so with respect to a related issue.

Riek Machar and other Southern political leaders invested all of their credibility in the Khartoum Peace Agreement, and for a while, the GOS was strong in claiming to the world that this agreement, which includes the right of the South to self-determination, was both an indicator of its intentions and a clear step towards a wider peace in Sudan. But what "went wrong"?

Here two phenomena must be considered. First, the moves towards peace between Dinka and Nuer seem real, if always fragile, and we are convinced that this eventuality is one which has never been viewed with equanimity in Khartoum. Second, not only was the Riek Machar grouping, post-KPA, becoming more influential, its attention was focusing more clearly on oil, and the security of the oilfields. Both to reduce the standing of Machar and to prevent his commanders assuming uncontested "control" of the oiifields, elements of GOS appear to have strengthened the independence of Paulino Matip, at least his independence from Machar, if not from the Sudanese Army, in which he was secretly given the rank of Major General.

And added to this must be the information that not only did Machar send observers to the Wunlit talks, it is said that, afterwards, he used the facilities of the Office of the President to reproduce bulk copies of the Wunlit Accords so that these would be as widely available in the South as possible. Certainly when Riek Machar sent a brief to President Bashir on May 25, 1999, listing violations of the Peace Agreement, he objected to "doubts being cast on the Wunlit Conference", and asked President Bashir what "is the destiny of peace from within in light of a position against the Wunlit Conference? What are the ways to reach comprehensive peace if we set aside internal initiatives?"He had already earlier in the brief pointed out that one violation of the KPA was "not providing work opportunities for southerners in the oilfields."

Has all of this hardened the GOS against its major KPA partner? Does it really want to end the war which has gone on for so long, a war in which Oil now counts for so much.

Oil: Helping the achievement of Human Security, or Exacerbating Conflict?

The conflict in Sudan is known to be wide-ranging, and, at the least, enduring. To look at the impact of Oil on, say, war in the Red Sea Hills or the Nuba Mountains, it would be best to look first at issues related to oil revenues rather than oil operations. The oil revenue question seems to be one of claims and expectations that things can be taken on trust. Too little hard information is as yet available to anyone, including the IMF, for clear judgements to be made. The oil operations are essentially, for the time being, underway in Western Upper Nile and South Kordofan, with the edges lapping against Bahr El Ghazal. Currently, the conflict around oil operations hits tha area east of Pariang, and ranges from Bentiu south to Leer, and along the Bahr El Arab river to Mayom, or east of the Bahr El Ghazal into Block 5A, and it is necessary to ask if this is oil related?

Not according to Riek Machar, who told us that even if there was no oil, there would still be war. The political objectives are not oil, he said, they include the nature of the state of Sudan, is it to be multiracial, multiethnic & multicultural, a system of government. He said we should note that the South has been fighting for a federal system, democracy, power sharing, and development, which can be achieved with oil, but not without it. For this reason, he and his followers are keen for the Talisman operations to continue. With the revenues, they could correct developmental imbalances and more quickly bring the war to an end. "We are for this operation to continue and are therefore redoubling our efforts" he said.

Yet many of his former subordinate commanders, including Biel and Gadiet, have turned their back on any possible good coming from oil at this time. For them, oil is war, and war is oil. The war they are fighting certainly is, and this war is not necessarily the war Machar was speaking about.

An analysis by the Economist Intelligence Unit prepared after the outbreak of violence in May/July, 1999 suggested that there was fierce competition between the militia factions in the oil areas, where the rewards associated with control were greatest, and that the GOS would expend considerable resources, including on a new division of the "spoils", to keep control, and in particular, to prevent one of the factions joining with the SPLA.

We certainly met Southerners, Machar included, who saw oil as the way forward for their people, but it has to be said that these were mostly in Khartoum, where they have been trying to give reality to understandings set out in the Khartoum Peace Agreement.
Also, we did hear from Dinka and Nuer in the vicinity of the oilfields who said that oil was good, and would bring much needed development, and these expressions of support cannot be discounted. The fact that more than one such informant would have been aware of the presence around us of people with a vested interest in hearing the positive accentuated does not completely erode the value of their observations: even hard-liners such as Tito Biel speak of the positive benefits of oil. Down the road, that is.

In the meantime, many Southerners believe, and told us on several occasions, that oil in Western Upper Nile is being extracted under the authority of a government they see as having no legitimacy; they insist that oil can be taken from the area only when the South is under the authority of a government they recognize. In fact, ordinary people as well as militia commanders or political figures asked us: "Did the Canadian oil company ask our permission to take our oil, and sell it? Why is Canada, a rich country, taking our oil without our permission and without any of benefit to us?"

The preponderance of Southern opinion we encountered was that Oil was hurting their people. And while we were not looking for any particular opinion or sentiment, we were determined that opportunities for dialogue be provided, that on both sides, tough questions be addressed.

This we did, on our part, even at some risk, as when we put to each armed guerrilla commander we met the question of what could possibly be gained by their attacking Canadian oil workers, a step we hoped they would not take. We tried hard to find out what people thought and felt, and tried hard to figure out just what is going on.

Leonardo Franco's predecessor as Special Rapporteur, Gaspar Biro, has been quoted as saying that if the oil companies don't know what's going on, they're not looking over the fences of their compounds.

Of course, Talisman maintains that it keeps itself well-informed, and there is some reason to believe that this is so, at a certain level. The 1990 account of the war in Sudan written by Alex de Waal, and the Economist Intelligence Unit report of the 3rd. quarter of 1999, mentioned above, were both included in briefing kits prepared by the company for its Board of Directors, which travelled to Sudan in September 1999.

However, we were often told, and saw for ourselves, that great reliance is placed on the GNPOC security staff for local information. These employees are serving or former army, police, or security service officers & maintain the closest collaboration with the Sudanese Army garrison in Heglig, right next to which is a small compound described to us as the base for the local detachment of Sudan Security.

If Talisman was really looking "over the fence",what would its people have seen? In the sections above, we have shown that displacement of people has been going on. Yes, this was, in the areas closest to Heglig, more or less complete by the time Talisman arrived on the scene, but it still happened after that date, and a case in point is the relocation of Athonj, or El Toor, as it is now known, particularly to the Arab nomads who have been encouraged to live there.

We have been shown "Security reports" relating to incidents at El Toor, but we do not know if these are maintained on a daily basis similar to the operational logs kept by the Canadian army in the field, or whether they are later produced from memory, stimulated by outside inquiry.

In any event, the reports are completed by the Arab northerners serving as security officers of GNPOC who, we are convinced, show little sympathy to the non-Arab people they encounter and who have little incentive to record events unfavourable to their vested interest, events concerning the villages around them or the locals who want to work at Heglig.

Certainly, there seem to be few, if any, Nuer or Dinka at work at Heglig, seemingly fitting with a widely held view in Western Upper Nile that the GOS, thus GNPOC, views all non-Arabs as potential threats to security.

Skilled workers are brought from the North; the unskilled are recruited, on an as needed basis, by the Arab overseers working for GNPOC, and they go to the Heglig Market for this purpose, a market where are gathered the Jallaba traders and the Bagarra nomads who have proliferated in the area since the time of Chevron. And all hires are scrutinized by Sudan Security.
If Talisman was serious about being a good corporate citizen, it would win the support of its GNPOC partners to have an audit of hiring and employment practices carried out by the International Labour Organization, with a view to eliminating discrimination.

But failing to be hired is not the same as being killed for seeking work, and we do hope that Canada will call for an investigation into a serious allegation, an investigation which must not be left in the hands of GNPOC or the GOS. It was reported to us, in different places, from widely different sources, that in August 1999, 8 Nuer went to Heglig to seek work from the oil consortium, and were killed for their troubles.

It would be interesting to read the Heglig security logs for this period, but it would not be a surprise to us if they contained little pertinent information, and if Talisman is relying totally on GNPOC, read Northern Sudanese, security officials, for information about events which impact on the company's reputation, it doesn't mean that it's meeting its responsibilities. We hope it will join us in calling for, and facilitating, the investigation we seek.

We are mindful of the fact that in December, 1999, the Calgary Herald carried a piece about Talisman and Sudan in which Talisman CEO Dr. Jim Buckee was quoted as saying that "in five years of operation, staff in the field have not seen any evidence of forced displacement or relocation in our area of operations, which is located on a flood plain with minimum permanent settlements..We have diligently investigated these allegations and found them to have no basis in fact".

On inquiring we were informed in greater detail about this particular investigation, and were able to discuss it with the person assigned to carry it out. It is our information that no formal report of the investigation exists, and from the investigator himself we now know that he has never been to Pariang, the centre of the May, 1999 actions and subsequent allegations, nor even to Bentiu, currently the centre for the Matip forces engaged in a struggle, certainly linked to oil, with the "SSDF" forces formerly linked to Riek Machar.

But we don't wish to assert that only by being there can one gain credible evidence of an event, a happening, or a trend. We went where we could, but also made every effort to talk to a range of people, on all sides of an issue, about what they had seen, heard, or suffered.

Some of these testimonies were offered on a confidential basis, and this can be respected, others were determined to be on record. An appendix sets out many of these. But the point is that by seeking the truth, we think we have found it, &, within limits, were Talisman to actively seek the truth of what was/is going on around it, it too would find the truth as we have. And the truth can be uncomfortable.

The international community has been addressing the Sudan conflict in a variety of contexts. A great deal of information and evidence has been collected and widely disseminated in recent months, along, of course, with misinformation, disinformation and nuggets of truth.This report is not independent of this varied output; we are familiar with this accumulated material, have examined it closely, and have gone to Sudan to observe the situation further in order to form a clearer understanding. We asked ourselves whether the general thrust of the international community's assessment is supported by first hand observation – that is, could our own observations further corroborate the charges of extraordinary human rights violations, including abductions or slavery, the impact of oil on conflict and on the war, the devastating impact of war on the people of Sudan?

Our Conclusion on this Central Question

It is certainly fair to acknowledge that the durable civil war in Sudan is not fundamentally about oil, but it must be also acknowledged that oil has become a key factor. The IGAD Declaration of Principles, cited in the October 26 policy statement, gives a clear account of the focus of the war and the key issues and values at stake--democracy, human rights, religion and state, and self-determination. To this extent, Riek Machar was correct in saying the war would have a purpose without oil. But oil is now fully part of the war, and the Assessment Mission, understanding this, has had to ponder whether the current oil operations exacerbate and prolong this war, or advance the pursuit of peace.

The evidence we gathered, including the testimony of those directly involved directs us to conclude that oil is exacerbating conflict in Sudan. The GOS' drive to exploit oil deposits in Western Upper Nile and South Kordofan, which can only be done with foreign help, has intensified the conflict in four ways.

First, concern about oilfield security has brought displacement, pacification, and insecurity to the eastern part of Unity State/Western Upper Nile, witness the calamity in the Ruweng County area.

Second, it has intensified fighting, not just between the GOS and "rebels" but also among the Southerners themselves, which has magnified the human suffering.

Third, it has provided the GOS with additional facilities, such as airstrips and roads, to increase the weight of firepower it can bring to bear, and

Fourth, it has elevated concern about control over natural resources, and over the South itself. Witness the sympathy shown by the SPLA's Salva Kiir to the "South First" commitment of Tito Biel.

These & other Southerners firmly believe that the very promise of oil revenues must help finance the GOS war effort and make the GOS less dependent on a negotiated peace. At the same time, Southerners believe that oil will be important for their development when peace comes, and the South controls its own destiny, and its own resources. We were frequently told that when such a day arrives, Canadian oil interests will be welcomed. But they have to be oil interests which help, not hurt. About which more needs to be said.

Earlier in this report mention was made of a white helicopter seen by many witnesses to be flying Paulino Matip's troops from Bentiu into Leer, from, one might say, the forward edge of the oil battle to its epicentre. We are unable to say whose helicopter was used, but we do know, and this information was not advanced to us by the Talisman executive we were able to ask in Sudan about "military use" of oilfield facilities, that a Canadian helicopter servicing Talisman in Sudan was used to transport Major General Paulino Matip himself on at least one occasion.

It appears that Matip demanded that the pilot, a Canadian, take him to Khartoum, or so we have been told. The pilot was reluctant, and a Talisman employee was summoned. He determined that there was no point in endangering Canadian lives on this issue, and the flight took place.

We also learned, and have reported, that flights clearly linked to the oil war have been a regular feature of life at the Heglig airstrip, which is adjacent to the oil workers' compound and operated by the consortium. The Canadian chartered helicopters and fixed wing aircraft which use the strip have, it turns out, shared the facilities with helicopter gunships & Antonov bombers of the GOS. These have armed and re-fueled at Heglig and from there attacked civilians. This is totally incontrovertible. Perhaps also unavoidable, governed by the contract between Talisman and the GOS, which Talisman might want to open to the light of day? Once again we face the question of does Talisman lack influence or does it choose to exercise it too rarely?

The matter of the military use has been discussed at a high level with Talisman, and has assured us that it happened in November, and that when it came to the attention of Talisman executives, a verbal protest was lodged with the Sudanese authorities. The offending machines were removed, but they came back. A second protest was lodged, and they were removed.

We are troubled, however, by other reports, which we believe to be credible, that the military use of Heglig airstrip has been more or less constant since May 1999, interrupted not by protest but by such events as the appearance in the area of the team of financial analysts taken to Heglig by Talisman, or even our own arrival there in early December, 1999. One report we have received has it that during our own visit, the military aviation was relocated to Muglad, a town north west of Heglig, a place we did not visit.

While it is clear to us that ordinary people in the South, even their leaders, can confuse Talisman, which operates north of the Bahr El Arab and Bahr El Ghazal rivers, with other oil companies such as IPC, which holds the concession, known as 5A around which war is raging south of these rivers, two things are certain. First, the gunships and Antonovs which have attacked villages south of the rivers flew to their targets from the Heglig airstrip in the Talisman concession. This is known to the Nuer commanders defending those villages and is part of why they say they will target the oil facilities. Second, it is a prominent perception of southern Sudanese that Talisman, "the Canadian oil firm", is in active collaboration with the GOS, economically, politically and militarily; it is also the perception of these southerners that the Government of Canada is either supportive of or indifferent to that collaboration. In short, they identify oil extraction not as of positive development but as a major grievance with a Canadian label and say it must be stopped.

The underlying reality is that there has been, and it looks as though there still is, major displacement of civilian populations related to oil extraction. Furthermore, Oil has become a major focus of the fighting. Worse the oil operations in GOS-controlled territory are used, even if to a limited extent, and possibly without the knowledge or approval of the oil companies, to directly support GOS military operations. We have, in fact, been told that the contractual obligation under which Talisman labours more or less provides that the oilfield facilities can be used for military purposes, though Talisman has now informed us that these are "defensive purposes", and latest reports indicate that, in any event, the GOS denies the facilities were used for military purposes. Which sounds like a state in and of denial.

We cannot but conclude that our own observations and investigations only add to the growing body of evidence and information that identifies Sudan as a place of extraordinary suffering and continuing human rights violations, even though some forward progress can be recorded, and, significantly, that the oil operations in which a Canadian company is involved add more suffering.

Is there a way forward?

In his letter to Minister Axworthy dated December 9, 1999, Dr. Buckee expressed the hope that the report of the Assessment Mission would lay the ground work for greater engagement and meaningful advances towards peace for Sudan. Peace is urgently needed in the oilfield region of Western Upper Nile/Unity State. Our first recommendation stems from this reality.

A Cease-fire Now

The dry season is arriving in South Sudan, and with it, fears of renewed ground fighting. It is imperative that every effort be made to achieve a cease-fire right now in Western Upper Nile. This is not an impossible dream, and it would bring respite to thousands of people. It could also bring them relief if a component of any such cease-fire was removal of the iniquitous Flight Bans which do nothing to improve security for the GOS forces but do deprive hungry people of the food that is, these days, too often their only sustenance.

The UN system and the NGOs, it partners with in Operation Lifeline Sudan are ready to assume the risks of operating when conditions are less than optimal; the GOS is wrong to hide behind concerns for their safety in applying these bans, not only Canada, but also Talisman and its oil partners should now put their influence behind efforts to have the bans removed but it is best that this be done in the context of the needed cease-fire in Western Upper Nile/Unity State. And this cease-fire should be monitored by the international community through use of monitors on the ground, among other means, particularly at the airstrips used by the oil companies, at Heglig, Rubkona, and Bentiu. It has to be a cease-fire which is held to by all sides.

This cease-fire is one which Talisman, either witnessing or acquiescing in the use of Heglig airstrip for military purposes, should be very firm in advocating and ready to pay a price for, perhaps in the form of foregone revenues. It is bad enough that the gunships and Antonovs have taken off from Heglig with their payloads of death and displacement. That this never again occur should be the goal of all concerned; but why not seek to have the gunships and Antonovs grounded, not relocated? This is not an impossible dream, just a major challenge, one which we strongly hope the Minister of Foreign Affairs will respond to at once.

Oil Money

A key component of a cease-fire for Western Upper Nile, or Unity State, should be, would have to be, an acceptable measure concerning oil revenues. There are only two ways of neutralizing the negative impact of oil. One is to halt production until real peace is attained, and the other is to ensure that oil revenues destined for the GOS are instead set aside for use on humanitarian and development projects when such a peace is in place. It's difficult to imagine a cease-fire while oil extraction continues, and almost impossible to do so if revenues keep flowing to the GNPOC partners and the GOS as currently arranged.

We have heard from one of the most active combatants that he rejects the idea, first moved by the NSCC, of a Trust Fund for these revenues. Nevertheless, the "trust fund" proposal warrants careful consideration and support from the international community, and Canada should engage representatives of the parties in South Sudan in discussions of the conditions necessary for them to consider the proposal. Talisman should make it publicly clear that it acknowledges the destructive impact of oil extraction and that it will work towards a trust fund arrangement acceptable to the southern parties. We have heard via Talisman and from GOS ministers and officials directly that they commit to the peaceful, and developmental use of the oil revenues and look forward to the IMF helping to ensure that a system works as intended. But where now is the trust?

Perhaps including a revenue system in a short-term cease-fire would, in fact, help restore some trust to the point where the various parties can be expected, in due course, to agree just how oil can help develop Sudan, South and North.

Certainly, we heard, from GOS ministers and others, that the new constitution provides for the equitable, and peaceful-use, sharing of oil revenues; many others we spoke to asked why should the GOS be trusted, and were not allayed in their suspicions by reference to the International Monetary Fund, which is on record as wanting to encourage the GOS in the steps it has taken so far to ensure that oil revenues fuel development, not war.

We were given a copy of a letter to the GOS from the IMF and see its involvement as a starting point only. Going further would require the use of forensic accounting skills, which Canada should, in fact offer to the GOS on the basis of full disclosure.

We also recommend that Canada provides assistance in the fields of forensic accounting and auditing to make workable any sharing scheme which can win tentative approval in North and South Sudan and that it offer to play a full part in maintaining any temporary "trust fund" answer to the use of oil revenues during a cease-fire as recommended above.

A Step-by-Step Approach

It is clear, and unavoidable, that only peace, an end to the war, will offer the people of South Sudan respite from the assaults on or neglect of their human security. It is also more than likely that only an end to the war will offer any real hope of human security and everyday respect for human rights being enjoyed by the people of the North of Sudan.

Dr. Buckee hopes "greater engagement" can help bring this about. Would "disengagement" be more appropriate in the circumstances? It is clear that many Canadians, not to mention Sudanese, want Talisman either out of Sudan now or at least to have halted production of oil.

It is very unlikely that the GOS or GNPOC will voluntarily halt oil extraction. Only days ago, on January 3, 2000, the Secretary General of the Ministry of Energy and Mining, Eng. Hassan Mohamed Ali Al-Tom, said Sudan exported some 15 million barrels of oil from August 1999 to December 1999. He said that oil production has now exceeded the level of 150,000 barrels a day and that plans have been set to increase the out put to 180,000 barrels a day during the current year.

Which raises the question of an involuntary halt, at least as concerns Talisman Energy Inc. On December 28, 1999, the Federation of Sudanese Canadian Associations wrote to Minister Axworthy to argue for Talisman's forced withdrawal from Sudan by government action. The Special Economic Measures Act, SEMA, has frequently been mentioned in this regard.

The letter said that if Talisman withdrew and another company took its place, something would nonetheless have changed: Canada would maintain its high moral principles and its collective national conscience, the cloak of morality which Talisman provides to the GOS would be gone, and if the Sudanese people were to be crushed by oil revenue generated tyranny, the terror would not have a Canadian smile on it.
A different approach to this issue was taken by a writer in the Globe and Mail newspaper a little earlier. Mathew Ingram asserted that if Talisman were forced to leave Sudan things there could easily get worse, with the GOS perhaps being pushed towards Gadhafi's Libya or Saddam Hussein's Iraq.

But we have been reluctant to advocate immediate application of the Special Economic Measures Act precisely because of our strong desire to have Talisman meet its full responsibilities, not be allowed to slip away from them, an act which some analysts have argued could be very profitable for the company.

There is a measured approach still requiring firm action by the Minister of Foreign Affairs and in no way precluding his application of SEMA, which is a regimen fashioned for application as part of a multi-lateral response to a given situation. There currently appears to be little support internationally for major economic sanctions against Sudan. The EU Political Dialogue with Sudan attests to this reality.

Short of invoking the SEMA at this time, the minister could, in the context of a public statement expressing grave concern about Sudan and about the mounting evidence that Canadian oil extraction activity is indeed exacerbating the Sudan crisis (both the war itself and related forced removals of populations from their current and ancestral homes), announce that certain exports to Sudan will be subjected to scrutiny by DFAIT which maintains the Export Control List under the Exports and Imports Controls Act, for which the Minister is responsible. The exports involved will be any to do with avionics and communications which could have a dual use, civilian or military. This focus on exports to Sudan will impact on Talisman's operations in that country, operations which must be made to comply with human rights and humanitarian law. Otherwise, consideration should be given to placing Sudan on the Area Control List.

The ACL is not an instrument for applying general economic sanctions. It is, instead, a focused instrument by which Canada is able to apply selective trade restrictions in support of specific foreign policy and security objectives. During the Cold War, the Warsaw Pact countries were all placed on the ACL, not in support of general economic sanctions but in support of selective trade restrictions related to particular Canadian foreign policy and security objectives. This meant that shipments of machine tools for weapons production, or high-tech systems suitable for use in command and control would be prevented, but shipments of children's clothing would not.

Some might argue that it is pointless to put Sudan on the ACL because Sudan would obviously get from elsewhere any goods that Canada controlled, but the placement of states on the ACL provides Canada the means of screening all trade and thus monitoring and controlling its trade relations with a state that it considers to be in a special, extraordinary circumstance.

Placing certain exports under Export Controls List scrutiny and, if necessary, putting a country on the ACL, makes it clear that Canada does not regard a "business as usual" approach to be appropriate in the circumstances, and, more to the point, it would provide Canada with leverage over Talisman to encourage monitored compliance with the ethical approach the company says it adheres to. This leverage comes from the fact that the action envisaged enables the government to prevent certain oilfield or aviation goods of Canadian origin from going to Sudan until Oil is indeed, as Talisman claims, part of the solution, not the problem.

And that problem is not going away, and nor would it leave on the back of a departing Talisman.

Meanwhile, Monitoring Must Go On

There is obviously a need for what some might see as an interim or third option, one which does expose oil operations to the glare to transparency, calls on the GOS to live up to commitments it has made, results in all of the oil players meeting their individual and collective responsibilities, and could well be overtaken by any decision that resulted in Talisman leaving Sudan. And, yes, one that reflects Canada's continuing and cherished "moral conscience". It was alluded to in a letter to Prime Minister Chretien sent also in December, 1999, by the Sudanese community in Ottawa. The letter is widely available through the Sudan list serve, Sudan-L .

It said firmly that "If Talisman wants to do business in Sudan, let it get seriously involved in resolving the conflict rather than providing oil revenue to one side of the conflict."

The fact is that Talisman has yet to acknowledge that human rights violations have occurred which can be related to oil operations, and it has, at various times, maintained that it would have found evidence of these were it to be found. On the other hand, it has, particularly in the case of the military use of the airstrip at Heglig, also sought to minimise its responsibility first by suggesting there is no situation, later that it did happen but did not come to executive attention immediately, and then that because of its legal circumstances, the company had no real control over events, but the use was to be "defensive" only.

It would be good to think that Talisman would want to inform the GOS and the other GNPOC partners that using Heglig to bomb villages south of Bentiu is not an appropriate defensive strategy & violating the human rights of the peoples of Southern Sudan is not acceptable, which would be keeping with Talisman's announced commitment to being an ethical corporate citizen.

Talisman has frequently expressed a concern about "interfering" with sovereign responsibilities of the GOS, and it might well have limited influence in its dealing with the GOS. But if the company is either unwilling or unable to constructively influence the GOS, perhaps it should not be in the Sudan at this time.

Here it is appropriate to recall that EU member states, some of which are home to companies participating in Sudan's oil industry, have so far concluded that the EU can influence the GOS constructively through the new "Political Dialogue". Canada should keep in close contact with this EU initiative, which is linked to the multilateral context in which SEMA has been framed. And if it is true that work is now underway at a law school in Canada to "de-link" SEMA from a multilateral context, that work should be encouraged.

In addition, however, Canada should seek detailed scheduled reports relating to Talisman's compliance with what it knows of the GOS' compliance with international human rights and humanitarian law.

Though there are limits on how an investigative mission, or indeed, a government to which it reports, can compel ethical behaviour on the part of a corporation, the owners of that corporation have both an opportunity, and a responsibility, to do this. We think that Talisman's owners would be well-advised, in their interest as well as that of the people of Southern Sudan, to guard against the possibility of the company failing to conduct its profit-seeking in full compliance with human rights and humanitarian law.

We think that Talisman should seek independent help to develop and implement practical means of monitoring and reporting forced removals, displacements, and human rights violations in Western Upper Nile. Such means offers also a way of measuring Talisman compliance with the requirements of human rights and humanitarian law. Perhaps this is already under consideration given that some serious Canadian NGOs are currently in discussion with Talisman.

It is worthwhile noting here the discussion by Canadian NGO activists in late 1999, and continuing today, of the possibility of establishing a human rights monitoring group which would involve oil industry representatives develop industry-specific codes of conduct, drawing in not only Talisman, which seems to be making headway, but also the company's Chinese and

Malaysian partners to give the whole exercise focus and power.

Looking Ahead

The NGO's involved were aware of Human Rights Watch having discussed such a model in connection with the oil industry of Nigeria, and a line can, indeed, be drawn from there to Sudan, a line which begins in South Africa. Mention has already been made of South Africa. Those who were involved with its transition from apartheid to democracy may remember the "scenario building" which was so useful in South Africa in the period when it was vital that the ANC and the Nationalists talked to each other but found it difficult to do so. The South African embrace of "scenarios" was greatly assisted by the oil company, Shell, which went on, in fact, to do something similar in Nigeria through the Vision 2010 Committee. This brought together business and social groups and was of great use to General Abubaker as he broke away from the straightjacket of orthodox thinking following General Abacha's death. The result was his commitment to civilian rule, now strengthening under President Obasanjo

A well-conceived "scenario" project for Sudan, one which did not constitute yet another diplomatic "Track" but was sound enough to be of use not just to the different actors in Sudan but also to the Friends of IGAD and the mediators who are attempting to find the ways to peace, could have two main benefits. It could encourage and facilitate the rigorous, and much needed, thinking about all aspects of the place of Oil in Sudan's future, and it could help lay a solid foundation on which the different peace-seeking parties could build.

If Shell can promote "scenario building" for South Africa and Nigeria, why could Talisman not help do this for Sudan perhaps in partnership with Shell and firms like Canadian Oxydental? And it could do so by first funding and attending, but not organizing, a Conference on Oil and Sudan, out of which the "scenario" building could develop, and from which might come consensus about development and peace.

Development

Development is so much needed in Sudan. The people who live or once lived in the tukuls of southern Sudan need food security, access to health care, for themselves and their cattle, education, and all the benefits which come with sustainable peace as well as development.

Talisman has spoken proudly of its concern for health, pointing to a new clinic/dispensary being opened in Pariang, which will be very useful & to its hospital in Heglig. About which something needs to be said. We visited the hospital, and were impressed by the state of its facilities and equipment. It boasts two incubators in its maternity ward, and in the whole of Ethiopia, there is only one. But when we were at the Heglig hospital there were almost as many incubators in sight as patients.

Talisman has, since our return to Canada, explained to us that our visit took place at 4pm during

Ramadan, a time when outpatients have gone home. It should be mentioned, however, that when we flew out of Heglig, and passed directly over the hospital, the morning was early, about 7 am., and in the forecourt, we counted only two people. In any other African hospital any of us have ever visited, the grounds have always been full of people.

In comparison to its quiet and clean state, we cannot help recalling that NGOs have had their clinics destroyed by gunships from Heglig, that the hospital in Bentiu has been commandeered as a barracks for Matip's forces, that movement out of Bentiu for those who might seek help at the Heglig hospital is severely restricted. In fact, there is a suspicion in many quarters that only Arab patients are welcomed at the hospital, and that Dinka and Nuer are kept out of Heglig as far as possible. And it is not allayed by assurances received only days ago from the highest levels at Talisman that a misunderstanding had led to the patients being moved out of the hospital on the occasion of our visit in December.

Only an end to the fighting, through a cease-fire and then a peace agreement, will enable the people to enjoy their right to health care. But while these are being pursued, other steps must be taken. In our view, Talisman should sit down with the NGO community and map out just how all parties can make a better contribution to health care in Western Upper Nile/Unity State. To its credit, the company does seem to want to do what is right.

It could also talk with the NGOs, and others in a transparent manner, about how to link in with development projects where this might be appropriate. Dr. Buckee has spoken about Talisman building 53 water wells. but we are left wondering if most of these are not just the water left behind as a consequence of and tool for drilling a well for oil? Bore-holes and small pump engines, put where the people are, that would be a contribution worth talking about. As would a serious attempts to ease the grazing/conflict issue through locally agreed water accessing. It has been said that oil and water do not mix. In Sudan, they are inseparable concerns. With the UNDP having focused on Water and Conflict in Africa as a key to understanding the new century, and with Canada's International Development Research Centre fashioning capabilities in both environmental security and peacebuilding, contact between them and Talisman on Oil and Water would likely prove useful. For African input, it is worth noting that the Centre for Defence Studies at the University of Zimbabwe has begun a major focus on Water and Security, and perhaps it could play a part in any such "good corporate citizenship" by Talisman.

But all such ideas could usefully be discussed first with Canadian NGOs which have expressed their willingness to talk with Talisman; we were told that Talisman had offered a UN body some $50 million for development work but was refused because of lack of transparency. We do not know if this really happened, but we do know that Talisman has said it wants to spend a million dollars on development this year and wants help and input.

It should also consider how it could help with the development priorities of the Canadian government: CIDA is funding peace-building activities in Sudan, &, through a first-class locally engaged employee, is currently implementing a few development projects. The signs are that this level of engagement will, in response to the needs of the Sudanese people, be increased this year.

As it should, particularly with regard to peacebuilding. Talisman could meet some of its responsibilities by helping on this front, and here a word about maps: Sudan suffers from an absence of good mapping. In Mozambique, Canada is helping with a similar problem; why not help Sudan and its people also?

And by the Sudanese people, we mean all of them. Sudan is, indeed, multi-ethnic. It would be wrong to ignore this, or to imagine that poor people in North Darfur, or even more so, the Nuba Mountains, were not in need of development assistance and human security. But the thrust of this report, because of the concern about oil and its impact, has been on the peoples most directly affected, the Nuer and the Dinka.

Communications, in Canada

There would be absolutely no point in "looking ahead" at the impact on oil and Sudan if the outcome was even more of a focus on public relations, how to hide bad messages under a welter of good ones.

The war in Sudan has been very little reported until recently, when the media in Canada began to take an interest because of the Talisman involvement in oil operations.In recent months a number of Canadian journalists have filed from locations in Sudan.

Some of them have been only to places where the control of the GOS is established, and the journalists accompanying the financial analysts in November 1999, are examples. Others went to where the SPLA can operate.

What does appear to be necessary is for some effort to be made both at home and in Sudan, on the matter of informed press coverage of the situation in Sudan, which is not, in fact, all war.

But the real need might be more Canada focused. In the 1980s, through until the end of apartheid in South Africa, the Canadian government saw that the media and opinion-oriented groups in this country needed much more, and better, information about events in South Africa than they were getting. One creative response was to fund the Centre for Information on South Africa, CIDMAA, in Montreal. It then produced a regular flow of materials from a variety of sources, enabling Canadian journalists and campaigners to proceed from the basis of sound and timely information. Perhaps Sudan as a human security issue, or as the largest country in Africa with the longest running civil war, merits such an initiative.

Communications, in Sudan

Currently, two serious communications problems interfere with the ability of the NGOs active in Sudan to do their work for the people of the oil region.

We have reported a situation where GOS forces use airstrip facilities built by oil for oil. These same facilities are denied to the NGOs. We were asked, and we do it here, to appeal on their behalf, so that might be allowed to use the airstrips at Bentiu and Rubkona, where IPC/ Lundin, the other oil company, is establishing its base camp.

Also, the ICRC which is struggling to do what it can for all sides in the conflict is being seriously impeded. Early in 1999, it lost one of its teams, in an incident reported to the UN General Assembly by Leonardo Franco. Since that time it has rightly been unwilling to risk its personnel unless they can be given some protection in the form of reliable communications systems, which are the norm for ICRC operations elsewhere in the world.

But the GOS will only allow these to be deployed if the ICRC works through a Sudanese quasi-governmental body, the Humanitarian Advisory Commission, HAC, a stricture which the ICRC accepts no-where else. Nor should it do so in Sudan. Talisman enjoys the use of communications systems, and it should use its influence with the GOS to see that the ICRC can do the same.

A Final Recommendation

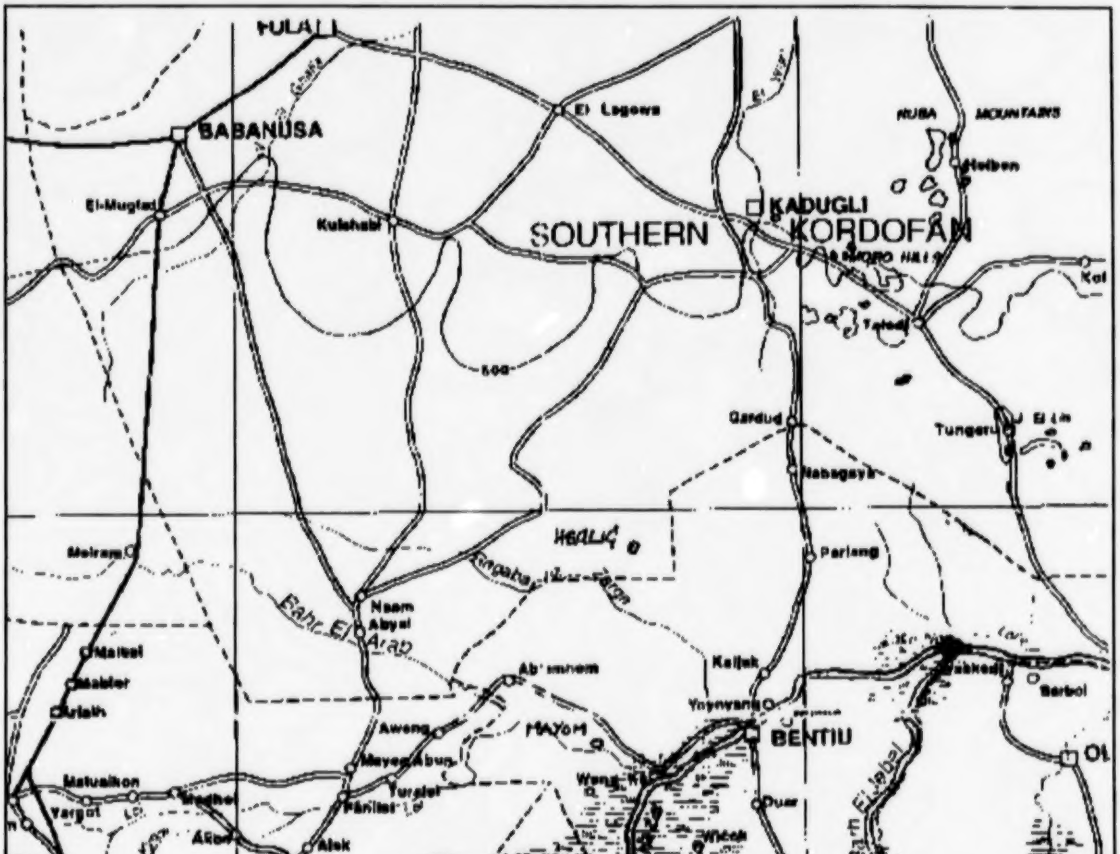
We have seen how the two main Nilotic peoples, the Nuer and the Dinka, are finally trying to overcome the hostilities of the past decade. South of Bentiu, there are some communities where the Dinka have opened their fields to the displaced Nuer. Near to Bentiu, there are places where Nuer and Dinka are living together in settled villages. Rubkona, east of Bentiu and on the opposite bank of the river, is an example, though it is a community which has the look about it of a "Peace Camp". Mayom is an isolated village west of Bentiu, where we only noticed Nuer people. It is also in the front line of the conflict between Matip, who has a garrison there, and the Nuer factions opposed to him.

Fighting has left many casualties in Mayom, and now there are others: news from Sudan is that early in January a medical team from CARE attempted to reach Mayom from Bentiu to help plan health care responses. Two of the team were killed, and two others are missing. We had met the CARE workers in Bentiu, and must take this opportunity to salute their selfless courage in seeking to bring health to the people in Mayom. The needs of these people, and of all the Sudanese people affected by the war cannot be met without the continuing commitment of the international humanitarian community, and we hope that these killings will be thoroughly investigated. It is certainly not enough for the GOS to simply issue a statement through its Humanitarian Aid Commission urging the SPLA to respect the lives of humanitarian workers. As Taban Deng Gai, the deposed Wali of Unity State, has pointed out, the SPLA is not active in the area, which is one fought over by Matip and Tito Biel, Nuer commanders armed by the GOS.

It is quite likely that forces under Paulino Matip killed the CARE workers;they or local Sudanese Army garrisons, which are to be seen in both Bentiu and Mayom, or, possibly, the rebels under Commander Tito Biel. To them all, we express our unreserved condemnation for the killers.

To the Minister of Foreign Affairs of Canada, we express the profound hope that he will at once take this matter to the Security Council of the United Nations as he moves urgently, as we hope he will do, to seek a cease-fire in this afflicted region.

The people of southern Sudan, many of whom took risks to convey their testimony to us in hopes that their words would resonate widely, deserve nothing less.


BABANUSA
El Lagowa
NUBA MOUNTAINS
Heiban
Kulshabi
KADUGLI
SOUTHERN KORDOFAN
Talodi
Gardud
Tungeru
Nabagaya
Meiram
HEGLIG
Pariang
Naam
Abyei
Bahr El Arab
Kaljak
Ab'imnom
Yoynyang
BENTIU
MAYOM
Aweng
Mayom Abun
Matualkon
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Bahr El Ghazal
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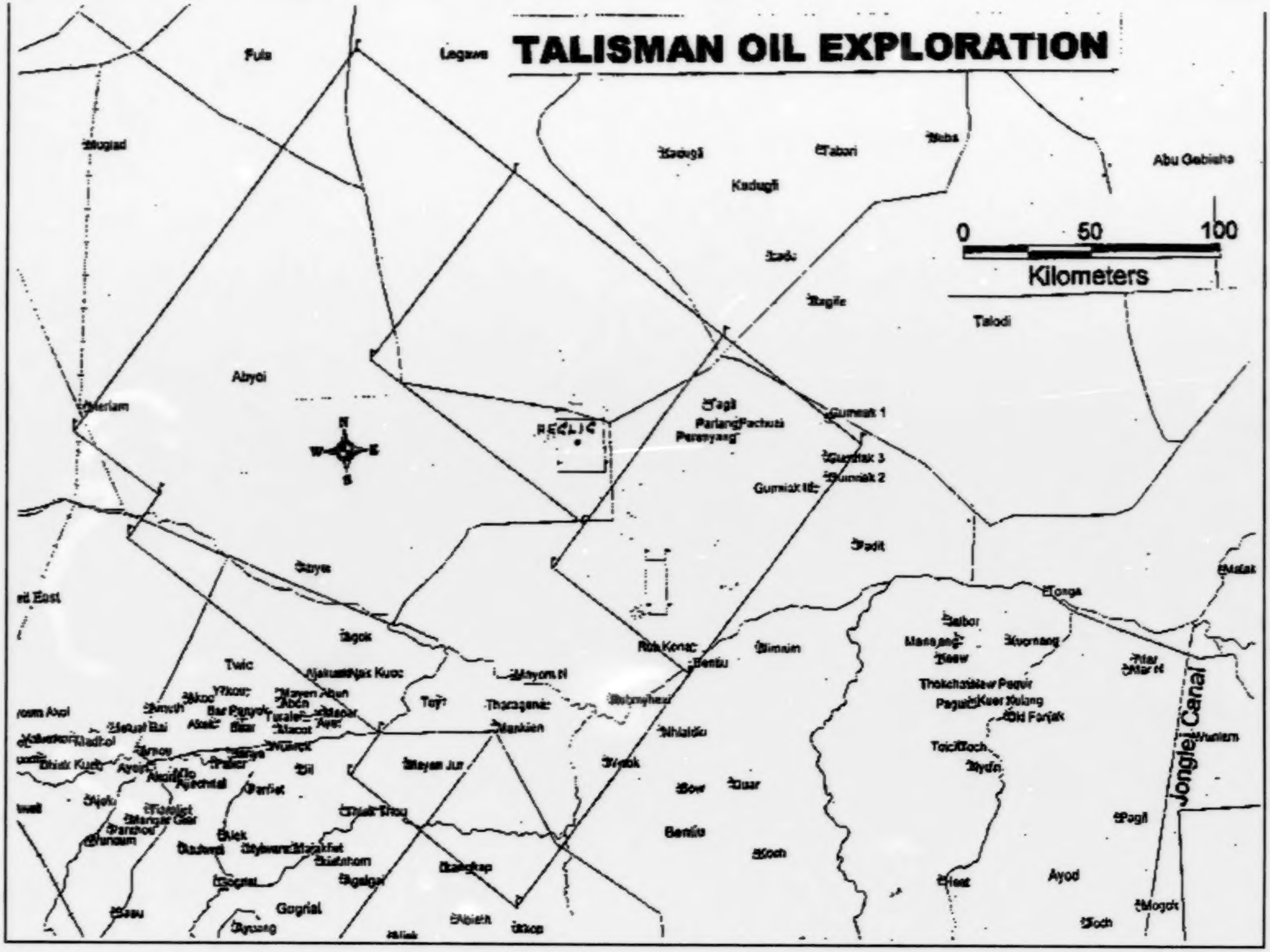
GOGRIAL
Lietnhom
Mijak
Koch
Bahr El Jebel
Luanyaker
Akop
Kuajok
Kangi
Warrap
Leer
Adok
Wuncuel
Udici
Ngongbe
WAU
Nyal
Thiet
Busseri
LAKES
Ganyiel
TONJ
Kpaile
Agull
Yarlong
Cueibet
Abiriau
Nyangkol
Shambe
Kongor
RUMBEK
Adel
Adior

Figure 1 South Sudan-- Unity State



TALISMAN OIL EXPLORATION

0
50
100
Kilometers
Fula
Legawa
Mugiad
Kadugli
Tabori
Abu Gebisha
Kadugli
Talodi
Abyoi
Heriam
N
W
E
S
RECLIC
Pagil
Parlang Fachuas
Peronyang
Gumriak 1
Gumriak 3
Gumriak 2
Gumriak III
Padit
Abyei
East
Agok
Twic
Mayom N
Tonga
Malak
Rub Konac
Bentiu
Bimnim
Balbor
Manajang
Kuernang
Tar
Mar H
Jonglei Canal
Thokchak
Paguir
Kaer Kulang
Old Fanjak
Toic Koch
Waliem
Nhialdiu
Tay
Thoragena
Mankien
Mayen Jur
Bow
Guar
Bentiu
Koch
Pagil
Ayod
Mogok
Koch
Turalei
Mayen Abun
Bar Paryok
Akok
Biar
Macot
Wunrok
Bil
Panliet
Ajiechnhial
Buek
Gogrial
Agalgar
Abiath
Akop
Lau
Ayong
Nyinmuth
Mayom Akol
Ajok
Toralet
Mangar Geer
Wunrum

Appendix 1 Mission Members

Mr. H. John Harker, Mission Leader. Mr. Harker has served as a Special Advisor in the Office of the Deputy President of South Africa and has advised various Canadian Prime Minister on African issues. As a former Representative in Canada of the UN International Labour Organization, he is familiar with labour and human rights issues.

Ms. Georgette Gagnon,LL.M. International Human Rights Law, has extensive field experience in the area of human rights investigations. She has served with the United Nations in Rwanda and Bosnia Herzegovina as a field investigator and legal advisor in international human rights and humanitarian law.

Ms. Audrey Macklin, Associate Professor, Dalhousie Law School. Designated as a UN expert on "Gender Persecution in Armed Conflict: Refugee and Displaced Women", she has wide expertise in immigration/refugee law, forced migration and international and domestic human rights.

Mr. Ernie Regehr, Associate Professor, Peace and Conflict Studies, Conrad Grebel college, University of Waterloo. He is Director of Project Ploughshares and Co-ordinator of the International Resource Group on Disarmament and Security in the Horn of Africa.

Dr. Penelope Simons, Ph.D. International Law, Vice-President of The Simons Foundation, an organization promoting education in peace, disarmament and global co-operation. She works in the area of international human rights and humanitarian law, international criminal responsibility, and humanitarian intervention.

Mr. Hamouda Soubhi, Masters Degree in International Development, University of Quebec. Fluent in Arabic, and French, he has extensive field experience in North African and Middle Eastern development work. Currently Co-ordinator for the Centre for Arabic Studies in Montreal

The mission was also accompanied, at different times, by three Foreign Service Officers:

Ms. Kerry Buck, Deputy Director, Human Rights, Humanitarian Affairs, DFAIT, Ottawa

Ms. Claudie Senay, Political Officer, Canadian High Commission, Nairobi

Mr. Hugh Adsett, Political Officer, Canadian Embassy, Addis Abbaba

Appendix 2 Some of the people we met

Hassan Abdin
Undersecretary, Foreign Affairs

Ms. Khadeeja Abu AlGassim
Member of CEAWC, Ministry of Social Planning

Ms. Aisha Abu El Gassim HagHamed
Chairperson of Women's Desk, Ministry of Justice

James Agwair
Member of CEAWC, Head of the Dinka Committee

Dr. Awad Ahmed al Jaz

Major, Dr. Omer Ahmed Gadoor
Member of CEAWC, Ministry of Internal Affairs

Abel Alier Kwai

Michael Belisle
Head of CARE Khartoum

Philippe Borel
UNDP Resident Representative

Markus Brudermann
ICRC

Bryan Burton, Counsellor, political,
Canadian High Commission Nairobi

Gerry Campbell
High Commissioner, Canadian High Commission Nairobi

Ralph R. Capeling
General Manager, - Pipeline Division
Greater Nile Petroleum Operating Company Ltd.

Olivier Coutau
International Committee of the Red Cross

Sally Crafter
Head of Mission, VSF Belgium

Kuong Danhier
South Sudan Defense Force

Dick Deery
Environmental Consultant
International Petroleum Corporation Sudan Limited

Mr. Taban Deng Gai
Unity State Governor

John Dor Majok
Minister of Energy & Mining

Thomas Duott, South Sudan Defence Force

Babekir Edrees Babekir
Member of CEAWC, External Security

Juerg Eglin
ICRC

Dr. Abdu ElAtti Abdu El Khair
Member of CEAWC, The National Council Of Sudanese Voluntary Organisations

Ms. Amaal Ibrihim ElAwad
Member of CEAWC, Federal Governance Chamber

Ali Ahmed Elmasri
Member of CEAWC, Lawyer

Abdu ElNasir Wannan
Member of CEAWC, Public Prosecutor in the Ministry of Justice

Ali ElSaddig
Member of CEAWC, The Humanitarian Aid Commission

Amb. Hashim Elseed
member of CEAWC, Ministry of Foreign Affairs

Hassan Mohamed Ali Eltom
Director General - The Sudanese Petroleum Corp.

Mahgoub Erwa
Journalist - Al Ray Al-Ram Daily News Paper

Bilal Fadool
Member of CEAWC, Internal security

Scott Falia
CARE Somalia/South Sudan

Husain Farah
Member of CEAWC, National Council for Child Welfare

Robert Ffolkes
Save the Children Fund (UK)

Suzanne Gorood
German Agro Action

Emmanuelle Guerne Bleich
Regional Coordinator, VSF Switzerland

Phillippe Guiton
World Vision

Dr. Krzysztof Grzymski
Senior Curator of Near Eastern and Asian Civilisations, Royal Ontario Museum

Max Hadorn
Head of Delegation, International Committee of the Red Cross

ElTaib Haroon Ali
Member of CEAWC, Lawyers Union

Chris Hazel
Second Secretary, immigration, Canadian High Commission Nairobi

Mr. Hasan Isa Hasan
Member of CEAWC, Ministry of Foreign Affairs

Dr. Mohamed Kheir A. Alzubar
Minister of State, Finance & National Planning

Simon Kim Pone
RASS Executive Director

Alastair King-Smith
Head of Political, Economic and Information Sections
British Embassy Khartoum

James Kok Ruea
RASS Deputy Director

Marv Koop
Fellowship for African Relief

Mr. Gozaif Laso
Member of the National Assembly

Johannes Lehne
Deputy Head of Mission - German Embassy
Khartoum

Dr. Lorans Loal Loal
V.P. of the National Congress Party

Doug Maddams
Sudan Administration Manager, Talisman Energy

Dr. Toby Madut
Democratic Forces Front, IDP activist

Joseph M. Mahase
Senior Programme Officer - Unicef - Khartoum

Uishari Mahmud
Project Officer, Unicef

Richard Makepeace
HM Ambassador, British Embassy
Khartoum

Retired Major Alison Manani Magaia,Vice President of the National Assembly

Xavier Marchal
European Union

Marylin McHarg
Country Representative, MSF Holland

Zlatan Milisic
WFP/OLS Emergency Officer, World Food Programme

Martin Okerruk
Director General, SPLM

Dr. Ahmed Mohamed Omer ElMufti
Head of the Committee for the Eradication of the Abduction of Women and Children (CEAWC)
Ministry of Justice

Bob Orr
Counsellor, immigration, Canadian High Commission Nairobi

Michael O'Sullivan, Khartoum Diocese

Ms. Marwa Othman Juknoon
Member of CEAWC, The General Union for the Sudanese Woman

Elizabeth Phillippo
Peace & Advocacy - The New Sudan Council of Churches

Fr. John Ramanzini
Vicar General, Khartoum Diocese

Osama M.M. Saeed
Security Manager, Greater Nile Petroleum Operating Co. Ltd

Ali Mohamed Ahmed Salem
Member of CEAWC, Military Intelligence

Dr. Sharad Sapra
Coordinator, OLS

Johnny Saveiro
Lawyer, Archdiocese of Khartoum

Thomas Schuller-Gotzburg
Minister Counsellor, Austrian Embassy

Claudie Senay
Third Secretary, political, Canadian High

Commission Nairobi

David Smart
Counsellor, administrative and consular,
Canadian High Commission Nairobi

Nick Southern
Save the Children Fund(UK)

Ghazi Suleiman
Lawyer

Mr. Ali Tameem Fartak
Member of the leadership committee of the
National Congress Party

Dr. Hassan Turabi

Danielle Valiquette
Oxfam Canada

D. Verboom
MEDAIR East Africa

Margret Verwijk
First Secretary, Embassy of the Netherlands

Bernard Vicary
World Vision

Gilian Wilcox
Information/Communication Officer, OLS

Bernard N. Wright
Chief Security Advisor
Operation Lifeline Sudan

Major Othman YaGoup
Member of CEAWC, Human Rights
Committee of the National Assembly

Appendix 3 Testimonials from Sudanese Civilians Displaced from Ruweng County and Unity State

Explanatory Notes

Mission team members visited several villages and towns located in and along the borders of Ruweng county and elsewhere in the Unity State/ Western Upper Nile region of South Sudan. Ruweng county encompasses part of the GNPOC/Talisman oil concession area near the Heglig, Unity and El Toor oil fields. Villages visited located within the GNPOC/Talisman concession included Bentiu, Rebkona, Pariang and Mayom. Bentiu and Rebkona are 70-100 kilometers southeast of Talisman's base at Heglig (all distances are approximate), and are GOS (Government of Sudan) controlled towns, each with a small garrison.

Pariang is 60 kilometers east of Talisman's base at Heglig and 20 kilometers from the El Toor oil field. Pariang is also a GOS-controlled town, of perhaps 6,000 people (according to the town's commissioner), also with a military garrison. Mayom is 60 kilometers west of Bentiu and under GOS control. It is the site of a military base established by Paulino Matip, aligned with the GOS. Gumriak is 70 to 100 kilometers east of Talisman's base at Heglig and 40 kilometers northeast of Pariang. Gumriak was the subject of GOS offensives from May to July, 1999. The mission sought permission from the GOS to visit Gumriak but this was refused, the town being covered by the GOS Flight Ban imposed on Operation Lifeline Sudan.

Biem is 40-50 kilometers south east of Pariang under SPLA (Sudan People's Liberation Army) control. Biem was also attacked by the GOS in May, 1999. Tukuls were burnt and the airstrip was damaged.

The towns of Koch, Nhialdiu, Leer and Duar are located within Block 5A which is just south of the GNPOC/Talisman concession area. Block 5A is the oil concession of Sweden's Lundin Oil (also called IPC), Austria's OMV and Malaysia's Petronas. Oil development activities in the area have been suspended since May 1999 due to fierce fighting between the forces of the GOS and Matiep and Riek Machar's forces (See Report).

Nhialdiu is 25 kilometers southwest of Bentiu, under the control of Commander Peter Gadet who is no longer aligned with the GOS and Matiep (See Report).

Speakers use the terms "forest", "swamp" and "bush" to describe swamp, wooded and marshy areas that are interspersed in the flat and open landscape of southern Sudan. The word "tukul" describes the one-room mud huts with thatched grass roofs that Sudanese villagers live in. The acronym WFP refers to the World Food Programme, the UN relief agency that provides food aid worldwide.

All locations visited by the mission were war-affected and contained populations of internally displaced persons who had fled their home villages.

The following text contains verbatim excerpts of interviews of civilians conducted in villages by mission team members. The interviews were conducted using translators and the interviewers made a written record of the speakers' responses. The interviewers' observations are in parentheses.

Biem

Group of 10 Women

We came here from a village called Nyongrial [south of Athonj/Toor and west of Pariang].

In August and September, the GOS forces and Arab militia attacked the area.
People have been displaced from Biu, Kong, Nymrial, Pankwil, Deng Akol.
The GOS used Antonovs, helicopter gunships and machine guns in the attack.
They killed many people, raped women and looted our tukuls.
We think the forces took many of our children because they disappeared and we never found their bodies.
Churches were burnt in Gumriak and Nyongrial.
The GOS attacked our villages because of the oil.
No one is returning to those villages because the offensive is still going on.

[redacted]

About 200 people came to Biem from Pariang. I came from Pariang in May.

My family was repatriated to Pariang from Khartoum by the GOS and the GOS would not let us leave Pariang town [Ajok Wien was detained in a peace camp in Pariang].

The GOS forces mistreated us. We were not given any services, we had to find our own food and make our own living. When the women would go to gather wood and cut grass to build shelters, the Arab militia followed us to take what we had and rape us.
I tried to escape with three others from the town. The GOS shot at us. The others were killed. I was hit in the leg but managed to escape.

[redacted] (21 year-old man)

I'm a shepherd.
I was shot at by the GOS in May while I was tending cattle near the Diir stream [close to Gumriak].
Three or four people who were with me were killed.

Kway/Nhialdiu

[redacted]

All of us are civilians here.
We are going to lose our lives for oil.
We know the Arabs will kill us, we are waiting for our deaths because the Arabs are

chasing us, burning our villages, bombing us and killing us.

Aren't we included in the human rights of the world? Don't we have human rights? We don't think we are included in the human rights of the world – this is the first human rights team to visit us and we have been dying since 1984. If we are included in the human rights of the world, why are the Arabs killing us?

The population here is displaced, there are many diseases, water is polluted and women are giving out children early [miscarriages and still births].

Civilians, cattle and children have been killed and our tukuls burnt.

The discovery of oil has caused these problems – before in the 1970/80s, the Arabs weren't able to exploit the oil but now they can with the help of the west.

The Arabs are united against us and want to push us out.

We blame the Christian community because the war is being made a religious war. Why is the Christian world not helping us?

The shells you saw are being used to kill us. The shells are manufactured by Russians not Arabs.

[Mission members were shown parts of shells, an unexploded bomb and shrapnel that were among those dropped around the Nhialdiu area].

The Arabs were not so powerful but now oil brings money so they have become powerful and bought guns to kill us.

They have high tech weapons and we have no guns.

If the oil can be taken in a peaceful way then it can be good but not if it is taken in a fight.

[redacted] *Head Chief,* [redacted]

All villages north, south, east and west of here, about 50 villages, were burned and bombed by the GOS.

There are 12 head chiefs that fled to Nhialdiu.

Most of our children are scattered by bombardment because we can only take a few of them when we are escaping. Most of them are in the forest and we don't know exactly where.

800 children are lost, we don't know if they were killed or what happened.

We are displaced with no food, blankets, fishing nets or mosquito nets.

Elders and children die because of disease, same with our cows.

They bomb the cows too.

In the rainy season we used to cultivate. Now the situation is unstable and we can't cultivate, tend the cattle, educate our children or have Sunday worship.

We can do nothing to defend ourselves, the GOS keeps coming with Antonovs and we are running away. Our Nuer area borders with the Arabs so we have nowhere to run – we need a resettlement process.

[redacted] - *Head Chief*

We are having problems. They bomb us during the day so we usually hide in the forest

but we came out to meet you.
There is often bombing in the day. We are afraid when we see a plane coming because of the bombing.
Bombing made us run away from our villages.
Aren't we within the human rights?
We are dying in the face of oil, isn't the oil company Christian?
Most of our population has died.
We are blaming the world for co-operating with the Arabs to clear us from our land and take our oil.
War is affecting us – because of bombs and bullets we are dying.
We have been suffering since 1983 when the first shot was fired.
Whenever we flee to forest, disease follows us – we have no medicine, no trained personnel, no schools for our children.
The WFP is trying their best to help people but it is not enough because so many people are displaced.
By the time your report is out we will be dead. The GOS will kill us because you visited us.

[redacted] ***(woman leader)***

We women are suffering because men make trouble.
We have lost our children. They have died from fighting and recruitment as soldiers, the ones at home have been bombed and have run to the forest and we don't know where they are.
We thank God he has sent women to see our problems.
We have no food – we are eating grass and leaves – it is very hard because there is nowhere to cook it, this is all they are eating in the bush.
We have to run to the forest where there are mosquitoes and people are dying because of the cold.
We are not the only people here – most of us are still in the forest – they won't come out unless people are bringing food.
We divided up and some of us are looking for wood to make a fire to keep the mosquitoes away.
The WFP brought us 2000 bags of wheat but it is difficult for us to divide.
We need medicine for people and the animals, cooking utensils, clothes, blankets and fishing equipment.

[redacted] ***(woman leader)***

Greetings sisters.
We are staying in a war-affected area – we have run away from bombing of our villages

and our burnt out tukuls, our people are scattered.
Our sisters from stable countries – this problem of our country is caused by men.
Most people are not coming here today because they are afraid of being bombed.
Since we ran away and have been displaced, we lost our cows, our tukuls have been burnt, our children have been lost, our men have been killed and there have been no births.
We came to see you today not because we think you have food, but because we want you to convey our problems to the world.
Since our tukuls have been burnt, our elders have died because there is no shelter, no blankets and no mosquito nets.
You are the eyes of the world, we need medicine first and food.
If women have come to interview us, we know women are equal.

Elderly man

We are happy that we are not forgotten by the world.
We have faced this problem since I was young and we will die with this problem.
We are not happy seeing our children dying before us – most of our leaders have died from Antonovs and fighting.
During British colonial times I worked with people like you. We built these roads and now the Arabs sell our oil.
We know all of us will die before the year 2000. The Arabs are using war tactics, chasing away our children and killing livestock.
We are looking for our children. You see a few children here but most are in the forest, many have died.
If they want oil they can take it peacefully.
Their guns are killing us. I suggest you can stop the war.
We need to stop the Arabs using their high tech weapons. We can't stop them with regular guns.
Most of our people are hiding in the swamp. They have malaria and every night there is a high rate of death.

Koch

Mission members were shown the sites of two mass graves containing approximately four to five persons and some human remains. Mission members were also shown areas where tukuls had been burnt.

[redacted]

I arrived in Koch yesterday after a 3-day walk from near Duar. I only had a piece of wild fruit to eat on the way.
I came because we were being bombarded by the GOS. They were using Antonovs and

gunships. We thought this area would be peaceful.
People in the village are dying of hunger and gunship fire and the fighting is continuing.

[redacted]

I am very tired.
We have a big problem here. We have been living in the fishing camp [located in the swamp area] since May that we built in the rainy season. We were living on water lilies.
We came back to Koch recently but we are here with no food.
We left Koch for the fishing camp in May because of the fighting.
The GOS and Matiep's forces looted the village and raided the livestock. They took all of our personal belongings.
If any soldiers found villagers they were killed. There was no forgiveness. The Head Chief of the area and the Commissioner were killed.
Matiep's forces took women and girls. We don't know how many. Some they killed and some they kept.
Some people are still in the fishing camp hiding. Others ran to the White Nile, others to Bahr el Ghazal and some to Nyal.
The displaced here are accommodated with the residents.
Most of our husbands are dead.
There is pressure from the GOS to dissolve the peace and move against the SSDF forces.
There is no longer a problem between Nuer tribes and between Nuer and Dinka tribes.
They are united now against a common enemy.
It is obvious that the GOS will come again in the dry season.
When our husbands are away fighting, we depend on fruit for food. Before the fighting we were cultivating but now we can't cultivate because of the fighting.
A lot of things kill us – hunger, water, sanitation. Since we have been looted and raided there are not enough medicine kits, mosquito nets and we have no clothes.

[redacted]

We have a lot of medical problems.
Since the war came everything has been destroyed.

[redacted]

Disease is killing us because we were in the swamp water.
Since the livestock were raided we have nothing for food. We are suffering.
Many were killed from May to July.
The last killing was in September. 100-200 soldiers attacked and whomever they found they killed.
There are not many people here. The village was burned and the church was burned in

1998.
The RASS (Relief Association of Southern Sudan) compound was burned on May 4, 1999 by Matiep and the GOS – 17 people were killed.
One old man was burned alive in his tukul.

Paboung/Wuncei/Makuac

[redacted] ***Chief from Bentiu***

I'm from Bentiu.
Five months ago, nine chiefs came to Makuac from Bentiu with our people, 4990 people, because of the fighting.
Matiep joined with the GOS and they are killing us.

Pastor [redacted]

People from Leer, the whole community, started to come here in June and there are many children.
The majority of the people are now in the fishing camp.
I went from Leer to Mayandit and then came here to Paboung in June.
Most people went from here to Mackioch and will come back in the dry season.
We left Leer because there was fighting between Tito [Tito Biel] and Matiep.
Matiep's forces burned tukuls, took our cattle and took the women – some of the women have come back.
The WPF has been dropping food here.

Woman

We came from Leer in June.
Matiep had captured Leer so we came here.
Matiep's forces burned my house and took all my clothes.

Man

Most of the people here are from Leer – some are from Duar.
This was not originally a village but people came because of the airstrip here.
They are building a church, a clinic and a school and hope that it will become a permanent community.
Since the GOS occupied Leer no one will go back.
The majority of people are in the fishing camp.

[redacted] Chief, Leer Province

We were displaced by internal problems in Leer.
On June 13, 1999 we brought 19,000 people here.
Between October and December we received 3,000 more.
We have been harmed by the Arabs.
The GOS used helicopter gunships, Antonovs and mortars. Matiep is armed by the Arabs.
The cause of our displacment is Matiep fighting against Machar and Gadet. Matiep burns houses and abducts women, children and cattle.

Mayom

Group of Men [redacted]

We are all Nuer.
We were attacked from the south.
Matiep burned huts in our own village to clear space to see the enemy approaching.
Displaced people went 7 km away, to Heglig, or south, or to Khartoum. About 1500 people live here. Before there were 10-11,000 people here.
There's widespread malnutrition and the feeding centre contract just ended.
The market here used to be Arab/Nuer mixed, but it has been abandoned and almost everyone left.
Matiep's army garrison was attacked by Gadet. We were alone.
No bombing just shelling and ground attacks.
There was fighting yesterday two hours from here between the forces of Matiep and Gadet. 15 soldiers were wounded, including the commander. [Mission members were shown the wounded commander and mortars placed in the military base].
We think people fight because of oil. The SPLA wants to prevent the GOS from getting the oil.

Three Men Displaced from Leer and Koch currently residing in IDP camps in Khartoum

Speaker #1

I left the Leer area July 15 because of the conflict.
I saw the GOS providing materials to prop up Matiep against Tito Biel.
The GOS used heavy weapons – 82/42 machine guns, mortars, Antonovs, and helicopter gunships 3 times a day.
Machar came from southwest, Matiep and the GOS from the north.
The attack was 28 days from May 5 to the beginning of June.
The fighting is because Machar didn't want to let the GOS take out the oil. The GOS doesn't want Machar around the oil so they clear the area and kill people.

Can't have oil without real peace.

Speaker #2

I left Koch in mid-October and arrived here five days ago.
The GOS shelled us, used Antonovs, helicopter gunships and artillery to attack Machar.
Some people ran away, others joined Matiep. No burning of villages, just bombing.

Speaker #3

I went to Bentiu in May from Leer and then came to Khartoum.
Matiep doesn't care if the GOS uses oil. He collaborates with GOS for his own benefit.
Before May, Matiep was in control south of Bentiu but Machar's forces were able to gain control up to Bentiu, so the GOS intervened.
When fighting broke out, most people went southwest to Ganyiel.
We want food and weapons to fight Arabs, but let oil remain in the ground.
No one is coming to help the people of Sudan. Many people have lost their children to Matiep. The young ones are taken by force by Matiep. Parents can only take up guns and go fight against Matiep.
After 15 years, males are recruited by Matiep and girls are taken to Bentiu.
The GOS has laid anti-personnel mines around Bentiu.

Appendix 4 Guiding Principles on Internal Displacement

1. These Guiding Principles address the specific needs of internally displaced persons worldwide. They identify rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration.

2. For the purposes of these Principles, internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.

Principle 1

1. Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

2. These Principles are without prejudice to individual criminal responsibility under international law, in particular relating to genocide, crimes against humanity and war crimes.

Principle 2

1. These Principles shall be observed by all authorities, groups and persons irrespective of their legal status and applied without any adverse distinction. The observance of these Principles shall not affect the legal status of any authorities, groups or persons involved.

2. These Principles shall not be interpreted as restricting, modifying or impairing the provisions of any international human rights or international humanitarian law instrument or rights granted to persons under domestic law. In particular, these Principles are without prejudice to the right to seek and enjoy asylum in other countries.

Principle 3

1. National authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction.

2. Internally displaced persons have the right torequest and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.

Principle 4

1. These Principles shall be applied without discrimination of any kind, such as race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth, or on any other similar criteria.

2. Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.

Principle 5

All authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons.

Principle 6

1. Every human being shall have the right to be protected against being arbitrarily displaced from his or her home or place of habitual residence.

2. The prohibition of arbitrary displacement includes displacement:

(a) When it is based on policies of apartheid, "ethnic cleansing" or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population;
(b) In situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand;
(c) In cases of large-scale development projects, which are not justified by compelling and overriding public interests;
(d) In cases of disasters, unless the safety and health of those affected requires their evacuation; and
(e) When it is used as a collective punishment.

3. Displacement shall last no longer than required by the circumstances.

Principle 7

1. Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects.

2. The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated.

3. If displacement occurs in situations other than during the emergency stages of armed conflicts and disasters, the following guarantees shall be complied with:

(a) A specific decision shall be taken by a State authority empowered by law to order such measures;
(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation;
(c) The free and informed consent of those to be displaced shall be sought;
(d) The authorities concerned shall endeavour to involve those affected, particularly women, in the planning and management of their relocation;
(e) Law enforcement measures, where required, shall be carried out by competent legal authorities; and
(f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities, shall be respected.

Principle 8

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected.

Principle 9

States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands.

Principle 10

1. Every human being has the inherent right to life which shall be protected by law. No one shall be arbitrarily deprived of his or her life. Internally displaced persons shall be protected in particular against:

(a) Genocide;
(b) Murder;
(c) Summary or arbitrary executions; and
(d) Enforced disappearances, including abduction or unacknowledged detention, threatening or resulting in death.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

2. Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances. Internally displaced persons shall be protected, in particular, against:

(a) Direct or indiscriminate attacks or other acts of violence, including the creation of areas wherein attacks on civilians are permitted;
(b) Starvation as a method of combat;
(c) Their use to shield military objectives from attack or to shield, favour or impede military operations;
(d) Attacks against their camps or settlements; and
(e) The use of anti-personnel landmines.

Principle 11

1. Every human being has the right to dignity and physical, mental and moral integrity.

2. Internally displaced persons, whether or not their liberty has been restricted, shall be protected in particular against:

(a) Rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment, and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution and any form of indecent assault;
(b) Slavery or any contemporary form of slavery, such as sale into marriage, sexual exploitation, or forced labour of children; and
(c) Acts of violence intended to spread terror among internally displaced persons.

Threats and incitement to commit any of the foregoing acts shall be prohibited.

Principle 12

1. Every human being has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.

2. To give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp.If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.

3. Internally displaced persons shall be protected from discriminatory arrest and detention as a result of their displacement.

4. In no case shall internally displaced persons be taken hostage.

Principle 13

1. In no circumstances shall displaced children be recruited nor be required or permitted to take part in hostilities.

2. Internally displaced persons shall be protected against discriminatory practices of recruitment into any armed forces or groups as a result of their displacement. In particular any cruel, inhuman or degrading practices that compel compliance or punish non-compliance with recruitment are prohibited in all circumstances.

Principle 14

1. Every internally displaced person has the right to liberty of movement and freedom to choose his or her residence.

2. In particular, internally displaced persons have the right to move freely in and out of camps or other settlements.

Principle 15

Internally displaced persons have:

(a) The right to seek safety in another part of the country;
(b) The right to leave their country;
(c) The right to seek asylum in another country; and
(d) The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

Principle 16

1. All internally displaced persons have the right to know the fate and whereabouts of missing relatives.

2. The authorities concerned shall endeavour to establish the fate and whereabouts of internally displaced persons reported missing, and cooperate with relevant international organizations engaged in this task. They shall inform the next of kin on the progress of the investigation and notify them of any result.

3. The authorities concerned shall endeavour to collect and identify the mortal remains of those deceased, prevent their despoliation or mutilation, and facilitate the return of those remains to the next of kin or dispose of them respectfully.

4. Grave sites of internally displaced persons should be protected and respected in all circumstances. Internally displaced persons should have the right of access to the grave sites of their deceased relatives.

Principle 17

1. Every human being has the right to respect of his or her family life.

2. To give effect to this right for internally displaced persons, family members who wish to remain together shall be allowed to do so.

3. Families which are separated by displacement should be reunited as quickly as possible. All appropriate steps shall be taken to expedite the reunion of such families, particularly when children are involved. The responsible authorities shall facilitate inquiries made by family members and encourage and cooperate with the work of humanitarian organizations engaged in the task of family reunification.

4. Members of internally displaced families whose personal liberty has been restricted by internment or confinement in camps shall have the right to remain together.

Principle 18

1. All internally displaced persons have the right to an adequate standard of living.

2. At the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to:

(a) Essential food and potable water;
(b) Basic shelter and housing;
(c) Appropriate clothing; and
(d) Essential medical services and sanitation.

3. Special efforts should be made to ensure the full participation of women in the planning and distribution of these basic supplies.

Principle 19

1. All wounded and sick internally displaced persons as well as those with disabilities shall receive to the fullest extent practicable and with the least possible delay, the medical care and attention they require, without distinction on any grounds other than medical ones. When necessary, internally displaced persons shall have access to psychological and social services.

2. Special attention should be paid to the health needs of women, including access to female health care providers and services, such as reproductive health care, as well as appropriate counselling for victims of sexual and other abuses.

3. Special attention should also be given to the prevention of contagious and infectious diseases,

including AIDS, among internally displaced persons.

Principle 20

1. Every human being has the right to recognition everywhere as a person before the law.

2. To give effect to this right for internally displaced persons, the authorities concerned shall issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one's area of habitual residence in order to obtain these or other required documents.

3. Women and men shall have equal rights to obtain such necessary documents and shall have the right to have such documentation issued in their own names.

Principle 21

1. No one shall be arbitrarily deprived of property and possessions.

2. The property and possessions of internally displaced persons shall in all circumstances be protected, in particular, against the following acts:

(a) Pillage; (b) Direct or indiscriminate attacks or other acts of violence;
(c) Being used to shield military operations or objectives;
(d) Being made the object of reprisal; and
(e) Being destroyed or appropriated as a form of collective punishment.

3. Property and possessions left behind by internally displaced persons should be protected against destruction and arbitrary and illegal appropriation, occupation or use.

Principle 22

1. Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights:

(a) The rights to freedom of thought, conscience, religion or belief, opinion and expression;
(b) The right to seek freely opportunities for employment and to participate in economic activities;
(c) The right to associate freely and participate equally in community affairs;
(d) The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right; and

(e) The right to communicate in a language they understand.

Principle 23

1. Every human being has the right to education.

2. To give effect to this right for internally displaced persons, the authorities concerned shall ensure that such persons, in particular displaced children, receive education which shall be free and compulsory at the primary level. Education should respect their cultural identity, language and religion.

3. Special efforts should be made to ensure the full and equal participation of women and girls in educational programmes.

4. Education and training facilities shall be made available to internally displaced persons, in particular adolescents and women, whether or not living in camps, as soon as conditions permit.

Principle 24

1. All humanitarian assistance shall be carried out in accordance with the principles of humanity and impartiality and without discrimination.

2. Humanitarian assistance to internally displaced persons shall not be diverted, in particular for political or military reasons.

Principle 25

1. The primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities.

2. International humanitarian organizations and other appropriate actors have the right to offer their services in support of the internally displaced. Such an offer shall not be regarded as an unfriendly act or an interference in a State's internal affairs and shall be considered in good faith. Consent thereto shall not be arbitrarily withheld, particularly when authorities concerned are unable or unwilling to provide the required humanitarian assistance.

3. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced.

Principle 26

Persons engaged in humanitarian assistance, their transport and supplies shall be respected and protected. They shall not be the object of attack or other acts of violence.

Principle 27

1. International humanitarian organizations and other appropriate actors when providing assistance should give due regard to the protection needs and human rights of internally displaced persons and take appropriate measures in this regard. In so doing, these organizations and actors should respect relevant international standards and codes of conduct.

2. The preceding paragraph is without prejudice to the protection responsibilities of international organizations mandated for this purpose, whose services may be offered or requested by States.

Principle 28

1. Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons.

2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration.

Principle 29

1. Internally displaced persons who have returned to their homes or places of habitual residence or who have resettled in another part of the country shall not be discriminated against as a result of their having been displaced. They shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services.

2. Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation.

Principle 30

All authorities concerned shall grant and facilitate for international humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, rapid and unimpeded access to internally displaced persons to assist in their return or resettlement and reintegration.

Appendix 5 Human Rights and International Humanitarian Law Conventions Ratified by Sudan

International Covenant on Civil and Political Rights (March 18, 1986 – no declaration under Article 41 – Notification under Article 4(3) Derogations, August 21, 1991)

International Covenant on Economic, Social and Cultural Rights (March 18, 1986)

International Convention on the Elimination of All Forms of Racial Discrimination (March 21, 1977 – no declaration made under Article 14)

Convention on the Rights of the Child (August 3, 1990)

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (June 4, 1986 – no declaration under articles 21 and 22)

African Charter on Human and Peoples' Rights (February 18,1986)

Slavery Convention (September 15, 1927)

Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (September 9, 1957)

Forced Labour Convention (C29) (June 18, 1957)

Abolition of Forced Labour Convention (C105) (October 22, 1970)

Protocol amending the Slavery Convention signed at Geneva on 25, September 1926

1949 Geneva Conventions (September 23, 1957)

Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (December 17, 1980)

Convention of the OAU for the Elimination of Mercenarism in Africa (April 5, 1983)

Convention for the Protection of Cultural Property in the Event of Armed Conflict (with a reservation July 23, 1970)

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (May 24, 1999)

Related Conventions NOT Ratified by Sudan

Human rights

Optional Protocol to the ICCPR

Second Optional Protocol to the ICCPR

International Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Final Protocol to the Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others

Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1)

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)

Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997 (signed only)

Convention of Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or Have Indiscriminate Effects (signed only)

Appendix 6 Child Soldiers in Southern Sudan

We saw child soldiers frequently; young boys are present in all militia groupings in the South. NGOs told us that local "social pressures" were strong in support for under-age recruitment, but neither the Matip or Gadet forces seemed to be abducting children to serve as soldiers.

In Nyal, South Sudan, we were able to talk at length with three child soldiers, who had been recruited by the headman in their town of Leer into the faction led by Tito Biyel. The boys were aged 14, 10, and 11. They had not wanted to join; given six months of training, they usually lived in the bush, so as to avoid ambush, and could if necessary manage without food for 3 to 4 days. Often they ate wild fruit and small game. We were told by a UN field worker than many do "enlist" voluntarily because there are no real alternatives such as quality education or civil work.

Early in 1999, letters were circulated by UNICEF to the various faction Commanders, calling on them to release young boys like the ones we spoke to. Some 288 boys were gathered up by RASS, effectively the "social" counterpart of the South Sudan Defence Force, in Thonyor, near Leer.

When the area was attacked in the fighting which broke out in May, 1999, the youngsters ran in all directions but eventually most arrived in Nyal, where Tito Biyel was located.

RASS, UNICEF, and the Norwegian NGO, Rad Baarna, we were later told in Lokichokkio, Kenya, have co-operated to complete a list of all the child socldiers in SSDF territory, and that of the original 288, all but 20 had now been re-united with their families.

We were also told that work in SPLA territory is going more slowly, with fewer identified and fewer reunited. It was said that while Commanders at the top of the hierarchy have agreed not to recruit child soldiers and do support demobilization, the attitude may be different among junior commanders on the ground. The analysis from one NGO actrive in this field was that "child soldiers" is not a big problem in numerical terms, but demobilizing them is certainly a big problem.

This NGO saw a connection, also, between "child soldiers" and traditional or customary law, the transition from boyhood to the responsibilities of adult status. This being linked to the forcible recruitment still being carried by some commanders helped explain the problem. We were also told that in some SPLA areas, villages are expected to provide a number of recruits each year, and this led to "child soldiers" being put forward. One source claimed that there was a policy in the SPLA that every family had to "donate" a son at some point. But there was, everywhere, increasing sensitivity about the need to demobilize the children. One source voiced a worry that demobilization schemes could be "false" like "slave redemption", and designed to raise funds, with the children drifting back into soldiering because of there being no attractive alternatives.

We were also told that it is now Sudan's turn to report to UN on the *Convention on the Rights of the Child (CRC)*, and UNICEF has been working with NGOs to encourage SSDF/SSIM and the SPLM to provide alternative reports, and use the opportunity to look hard at how they might manage the phenomenon better.

Appendix 7 International Humanitarian and Human Rights Law Issues

The attached legal analysis in chart form sets out the principal international humanitarian and human rights issues raised by the factual information gathered in the field. It was provided to the Assessment Mission by the team members with legal qualifications, and to the extent that it accords with the body of the Report it represents the finding of the Assessment Mission.

This chart sets out the principal international humanitarian and human rights issues raised by the factual information gathered by the mission under its mandate. The analysis of these issues proceeds as follows: Part I examines the issues related to abduction, forced labour and slavery. Part II contains two sections. Section A describes the international humanitarian and human rights issues related to the forced displacement of civilians. Section B deals with those humanitarian and human rights issues that result from forced displacement. This chart identifies potential violations of international human rights and humanitarian law committed by the Government of Sudan, or by militia aligned to, or supported by, the Government of Sudan. It does not purport to deal with potential human rights or humanitarian law violations committed by rebel forces. The chart recognizes that the armed conflict in Sudan is an internal or non-international conflict.

The chart reflects the findings of the mission that certain northern tribes armed and employed by the Government of Sudan systematically carry out abductions and enslavement of women and children from the Northern Bahr el Ghazal region. In addition, the material in the chart expands on the mission's finding that oil extraction has exacerbated the armed conflict in Sudan and contributed to human rights abuses and violations of international humanitarian law. Humanitarian law violations and human rights abuses related to forcible displacement of persons from oil producing areas by the Government of Sudan include rape and abduction of women and children for slavery-like purposes and forced labour, indiscriminate and intentional attacks against civilians and the civilian population, indiscriminate and frequent use of weapons, such as Antonov bombs, summary executions, forced displacement of civilians, unlawful confinement of civilians, obstruction of humanitarian assistance.

This chart deals only with international conventions ratified by Sudan and customary international law, including those parts of Protocols I and II Additional to the Geneva Conventions of 12 August 1949 which are generally accepted to be customary international law. However, reference is made in the chart to the Statute of the International Criminal Court. Although, the Statute is not yet in force, it represents the most important revision of international humanitarian law since the Additional Protocols of 1977. The Statute also reflects the most recent, relevant and widely-accepted opinion of states on the content of international humanitarian law.

The chart does not purport to constitute legal advice to any particular party nor is it a legal opinion.

Part I B International Law Issues Related to Abduction, Forced Labour and Slavery

Factual Circumstance	Applicable Law	Commentary
Abduction and Exploitation of Women and Children Attacks by the GOS and/or their allies have included abductions of women and children by militia. Some of these women escape and return to their villages or the place where their family or community has fled. Others are taken as wives or forced to work as domestic servants. Women are often repeatedly raped once abducted. In addition, the GOS uses militia to guard a government train loaded with supplies and ammunition for the GOS forces as it travels between Babanusa to Aweil and Wau to supply the GOS garrisons along the railway line. The militia are unpaid and take women, children, livestock and other goods as their bounty on their return.	**The Slavery Convention** (**ASC@**) and **the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery** (**ASupplementary SC@**) prohibit all forms of slavery and the slave trade and require states to take positive steps to abolish all forms of slavery including debt bondage, serfdom, institutions or practices whereby a woman may be sold into marriage, traded, inherited or whereby a child may be given up for exploitation or labour. **Article 8 of the International Covenant on Civil and Political Rights (AICCPR@)** states inter alia: No one shall be held in slavery; slavery and the slave trade in all their forms shall be prohibited. No on shall be held in servitude. No one shall be required to perform forced or compulsory labour **Article 5 of the African Charter (AAC@)** states: AEvery individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.@ **Article 2 of the Forced Labour Convention** (AFLC@) defines Aforced or compulsory labour as: Aall work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily	?? The prohibition of slavery is also a rule of customary international human rights law and is an obligation *erga omnes*. It is an offence subject to universal jurisdiction. A violation of the prohibition against slavery is considered a gross violation of human rights. Slavery has also been cited by the International Law Commission as an international crime. The abduction of women by militia for marriage, sex or domestic labour is a violation of both conventional and customary international human rights law. The fact that the GOS employs unsalaried militia with knowledge that they will extract >payment= by looting and abduction renders the GOS complicit in the violations committed by the PDF/murahaleen. ?? The GOS has set up the Committee for Eradication of the Abduction of Women and Children (ACEAWAC@) which has begun to locate abductees and attempt to find and return them to their families or communities. However, the GOS continues to Aemploy@ militia both to guard the GOS train and as part of the GOS forces and thus to facilitate and condone their practice of abducting women and children. ?? **Article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance**[1] adopted by the General Assembly in 1992 states that enforced disappearance is an Aoffence to human dignity@ and a flagrant violation of human rights. It describes it as a situation in which: Apersons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on

	Art. 1 FLC requires each party to the convention to suppress the use of forced or compulsory labour in all its forms in the shortest possible period. **Article 1 of the Abolition of Forced Labour Convention** requires each party to Åsuppress and not to make use of any form of forced or compulsory labour● inter alia Åas a means of racial, social, national, or religious discrimination.● **Art. 23(3) ICCPR** No marriage shall be entered into without the free and full consent of the intending spouses	behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law.●

Abductions and Exploitation of Children (see above) **Conscription of Children into Armed Forces and Militia** Some children who are abducted by the militias allied with the GOS are forcibly conscripted into their military forces or used to participate actively in hostilities.	**Article 8 of the Convention on the Rights of the Child (ÅCRC●)** ÅStates Parties undertake to respect the child=s right to maintain his or her identity, including Y family relations as recognized by law without unlawful interference. Where the child is illegally deprived of some or all the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.● **Art. 19(1) CRC** requires parties to: Åto take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse, while in the care of the parent(s) Y or any other person who has the care of the child●.	?? The international customary and conventional law rules relating to slavery and forced labour set out above are applicable to the abduction and exploitation of children. ?? In addition to the violations set out above, the abduction and exploitation, sexual abuse of children by the militia Åemployed● by the GOS, is contrary to the provisions of the CRC. ?? As stated above although the GOS has set up CEAWAC, it continues to Åemploy● militia both to guard the GOS train and as part of the GOS forces and thus to facilitate and condone their practice of abducting women and children. Thus the GOS is also in violation of its duties under the CRC to take positive steps to take all appropriate legislative, administrative and social measures to protect the child from all forms of physical or mental violence, maltreatment, exploitation including sexual abuse; ?? to take legislative, administrative and social measures to protect children from economic exploitation;

	Art. 32 CRC requires that parties recognize: the right of the child to be protected from economic exploitation and from performing work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development and to take inter alia legislative, administrative and social measures to ensure the implementation of this obligation. **Art. 35 CRC** States parties shall take all appropriate national, bilateral, and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. **Art. 36 CRC** requires the parties to: protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare. **Art. 38 CRC** requires parties to: undertake to respect and to ensure respect for he rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child; take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities; refrain from recruiting any person who has not attained the age of fifteen year into their armed forces and in recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the parties shall endeavour to give priority to those who are oldest; take all feasible measures to ensure the protection and care of children who are affected by an armed conflict in accordance with the parties obligations under international humanitarian law to protect the civilian population in armed conflicts. **Protocols I and II and the Statute of the International Criminal Court** oblige parties to a conflict to take all feasible measures to ensure that children under the age of 15 years do not take part in the hostilities and to refrain from recruiting	prevent the abduction of, the sale of or traffic in children; protect children from all other forms of exploitation; ?? To the extent that the GOS abducts male children off the street in Northern Sudan and forcibly conscripts them into their armed forces and GOS militias use the children they abduct as child soldiers, the GOS is in violation of its obligations under Art. 38 of the CRC. In addition, the GOS is in violation of international humanitarian law and may be guilty of a war crime.

	them into their armed forces. The ICC Statute lists as a war crime conscription of children into the armed forces or using children to participate actively in war.	

Part II Section A B International Humanitarian and Human Rights Issues Related to Forced Displacement

Factual Circumstance	Applicable Law	Commentary
Indiscriminate Attacks and Intentional Targeting of Civilians Government of Sudan (AGOS@) forces have attacked villages in Ruweng County and Unity State with Antonov bombers and used helicopter gunships to shoot and kill civilians. The GOS deployed ground troops including, the GOS army, GOS-armed militia (murahaleen, Popular Defence Force (APDF@) and the forces of Paulino Matiep) to kill and terrorize civilians including women and children. Attacks against civilians have been taking place since at least 1992 in and around the oil fields located in the Western Upper Nile (AWUN@) and are continuing. A major GOS offensive against civilians and civilian occurred from May to July 1999. The towns and villages attacked by the GOS did not contain concentrations of rebel military	**Common Article 3 of the Geneva Conventions of 12 August, 1949 (ACommon Art. 3@)** requires that Apersons taking no active part in the hostilities@, Aincluding members of armed forces who have laid down their arms and those placed *hors de combat@* shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. In respect of the above persons, Art. 3 prohibits at any time and in any place, among other things: violence to life and person, in particular murder of all kinds; and summary executions. **Customary international law and Art. 13(2) of Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (AProtocol II@)** prohibits: making civilians as such the object of attack; and acts or threats of violence, the primary purpose of which is to spread terror among the civilian population. **Customary international law** dictates that: all combat activity must be justified on military grounds; activity that is not militarily necessary is prohibited. attacks may be directed *only* against objects that make a contribution to the enemy=s military effort and are of tactical and strategic importance. Incidental loss and damage must be minimized.	?? Common Art. 3 applies to non-international conflict in the territory of a State party and thus is applicable to the conflict in Sudan. It requires that all parties to the conflict B the GOS and the rebel groups - apply as a minimum the requirements set out in Common Art. 3. ?? Although Common Art. 3 does not expressly prohibit attacks against civilians, such attacks by the GOS and its allies against civilian men, women and children is in violation of the prohibition against violence to life, murder of all kinds and summary executions of persons not taking part in the hostilities. ?? Attacks and combat activity by the GOS targeted at civilians are in violation of customary international law that gives immunity to civilians and requires parties to a conflict to distinguish between civilians and civilian objects on the one hand and combatants and military targets on the other. No credible evidence demonstrates that the civilians, villages and areas attacked by the GOS in Ruweng county and Unity State constituted legitimate military targets or military objectives that contributed to military action and contained, for example, concentrations of SPLA forces and persons taking an active part in the conflict or were the site of military installations. In any situation, the GOS attacks against civilian objects and persons cannot be justified as militarily necessary nor can the use of Antonov bombs and helicopter gunships against civilians and civilian objects. ?? According to Francis Deng, the Representative of the Secretary General of the United Nations Commission on Human Rights Issues Related to Displaced Persons, even if civilians provide indirect support to the rebels by, for example, supplying food, shelter or acting as messengers Athey may not be subject to direct individualized attack since they pose no immediate threat@.

forces, supporters or assistance.	parties to an armed conflict must always distinguish between combatants, who may take a direct part in hostilities and be attacked themselves, and non-combatants, who do not take a direct part in hostilities and cannot be attacked or used as human shields.	?? Intentional, deliberate and willful killing and targeting of civilians is a war crime, and a crime against humanity when committed aspart of a widespread or systematic attack directed against a civilian population. The Statute of the International Criminal Court (ICC) lists as war crimes in internal conflicts several serious violations of Common Art. 3 including violence to life and person including murder, outrages upon personal dignity, and summary executions. Serious violations of customary law that are war crimes include intentional attacks on the civilian population and individual civilians, pillage and rape. In addition, persons found responsible for indiscriminate attacks on civilians that result in extensive, unnecessary and willful damage may also be guilty of the crime of wanton destruction.
Antonov bombers are inaccurate and indiscriminate weapons.	**Indiscriminate attacks are illegal under customary law**. These include: widespread and intended damage of civilian property (Awanton destruction●) attacks that are not targeted at military objectives; the use of weapons that cannot be properly targeted ;and attacks that treat an area with similar concentrations of military and civilian objectives as a single military objective; use of weapons that have an uncontrollable effect; an attack that may be expected to cause harm to civilians or civilian objectives in excess of the concrete and direct military advantage anticipated.	?? UN General Assembly resolution 2444 (XXIII) of 19 December 1968 on respect for human rights in armed conflicts, the recognized the principle of civilian immunity and affirmed that Ait is prohibited to launch attacks against civilian populations as such.●
	Art. 38(4) CRC states: AIn accordance with the parties obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure the protection and care of children who are affected by an armed conflict.●	
	Article 6(1) ICCPR states that: AEvery human being has the inherent right to life. This right shall be protected by law. No one shall arbitrarily be deprived of his life.●	?? Indiscriminate and arbitrary attacks on civilians are in violation of the non-derogable right to life articulated in the ICCPR, the AC and the CRC.
	Art. 4 AC AHuman beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one shall be arbitrarily deprived of this right.●	?? These attacks which are leveled against all civilians including women and children are also in violation of Sudans obligation under the CRC to ensure the protection of children.
	Art. 6 CRC states that:	

	States Parties recognize that every child had the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child.	

Bombing, burning of shelters, pillage, destruction of objects necessary for survival Attacks by the GOS and its allies have included bombing villages and burning tukuls, destroying and/or looting food, personal possessions, seeds for cultivation, livestock, crops, hospitals, clinics and NGO compounds. The GOS uses militia to perform some of these attacks but does not pay them. The militia take Äbounty● such as personal possessions and livestock.	**Customary International Law and Art. 4(2)(g) Protocol II** prohibit Äpillage● of personal property ofcivilians who have fled from their homes. Non-combatants and their property must be spared from the incidental effects of military operations. Stealing is an offence of war. **Customary International Law and Art. 14 Protocol II** provide that: ÄStarvation of civilians as a method of warfare is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water Y● **Art. 17 ICCPR** states: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home Y. Everyone has the right to the protection of the law against such interference or attacks. **Art. 14 AC** states: ÄThe right to property[2] shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.●	?? The fact that the GOS employ or use militias to perform someof these acts implicates them in the violation of the prohibition against pillage of personal property left by the civilians who have fled. ?? Starvation of civilians is also prohibited by customary international law. Although the objective of these acts by the GOS and their allies may be to forcibly displace the population rather than starve the population *per se*, the effect is the same. The DPs who are forced to flee their villages have their personal possessions taken or destroyed, their livestock stolen and have had to abandon their crops in mid-cultivation. They arrive in other villages or areas (such as the swamps) where there are limited or no means of subsistence and no access to food. A lack of health care and drugs and protection from malaria-carrying mosquitoes also exists. Persons are thus forced to depend on food aid and humanitarian assistance for survival where and when it is available. ?? This right of non-interference relates to all types of residential property. While this right is not absolute[3], interference is Äunlawful if it is contrary to international or domestic law and isÄarbitrary● where the interference contains elements of injustice, unpredictability and unreasonableness.

Rape of Women Attacks by the GOS and/or their allies have included rape of women. Some persons interviewed have stated that the rape of women in itself has caused an entire village to flee.	**Common Art. 3** does not explicitly prohibit rape[4] but it requires parties to the conflict to treat all persons who are not active participants in the conflict Ähumanely without any adverse distinction founded on Y sex•. Furthermore it prohibits Äoutrages on personal dignity, in particular humiliating and degrading treatment•. (See also Art. 2(1) Protocol II) **Art. 4(2)(e) Protocol II** prohibits, *inter alia*, Äoutrages upon personal dignity, in particular Y rape Y and any form of indecent assault•. **Art. 1 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** defines torture as: Äany act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as Y intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted Y with the consent or acquiescence of a public official or other person acting in an official capacity.• **Art. 5 ICCPR** states: ÄNo one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment **Art. 5 AC** (see above)	?? Under Common Art. 3, clarified by Art. 4(2)(e) of Protocol II, rape is prohibited. Rape of women by the GOS forces or their allies such as militias is a violation of international humanitarian law. ?? The rights to life and security of the person and the prohibition of torture and cruel, inhuman or degrading treatment are nonderogable rights and any abrogation of them is a violation of international law. A violation of the prohibition against tortureand cruel, inhuman or degrading treatment constitutes a war crime and where systematic, a crime against humanity. Inasmuch as rape is cruel, inhuman and degrading treatment it also constitutes a crime in international law.
Attacks against non-Arab population in South Sudan The various acts of the GOS and its allies described above are leveled at the non-Arab, Christian and animist population in South Sudan with the intention of	**Art. 5 International Convention on the Elimination of All Forms of Racial Discrimination (ÄCERD•)** requires parties to: Äundertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of the following rights• *inter alia*:	?? The described attacks by the GOS are discriminatory in that they are aimed only at the non-Arab Christian/Animist population of South Sudan. As such they are a violation of a persons rights not to be discriminated against based on race and/or ethnic origin with respect to the enjoyment of the rights of security of the person against violence or bodily harm, freedom of movement and residence within Sudan and freedom of thought, conscience and religion.

moving the population out of areas around the oil fields	the right to security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution; the right to freedomof movement and residence within the border of the State; the right to freedom of thought, conscience and religion;	
Demographic manipulation Certain the populations villages around the oil fields have been permanently displaced by the above noted attacks and replaced by northern settlers	**See Art. 5(e)(i) CERD** (above) **AY** State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national ethnic origin, to equality before the law, notably in the enjoyment of inter alia [e]conomic, social and cultural rights, in particular **Y** [t]he rights to work, free choice of employment, to just and favourable conditions of work, to protection against unemployment **Y.**	?? Discriminatory practices by the GOS of moving the resident population out by forcible means and resettling the area with an Arab population from North Sudan makes displacement permanent and violates Art. 2 of the CERD. ?? The discriminatory hiring practices of GNPOC are in violation of the prohibition of discrimination with respect to the right to work and free choice of employment.
Forced displacement The GOS attacks on the civilian population in and around the oil fields are for the purpose of forcibly removing the population from the area	**Common Article 3** obliges states in all circumstances to treat civilians humanely without adverse distinction and prohibits violence to life and person and cruel treatment. **Art. 17 Protocol II** The displacement of the civilian population shall not be ordered or forced for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.	?? Forcible displacement of civilians by the GOS constitutes inhumane treatment, violence to life and person, and cruel treatment. Such practices by the GOS are arguably war crimes and if systematic, widespread and the product of persecution against an identifiable group, crimes against humanity. ?? The GOS uses direct, indiscriminate attacks on civilians as a means of inducing displacement. Such attacks not only kill individual civilians but terrorize the population and cause a climate of insecurity. The indiscriminate attacks targeted at the civilian population violate Common Art. 3, and they cannot be justified under the exceptions in Art. 17(1) Protocol II. Indeed the purpose of these attacks expressly violates the prohibition in Art. 17. ?? The ICRC Commentary to article 17 states that the intent of the prohibition against forced displacement is to minimize civilian

	The Statute of the ICC lists as a war crime the forcible displacement of the civilian population for reasons related to the conflict. Widespread and systematic forced displacement of the civilian population by expulsion or other coercive acts from their area, in furtherance of a state or organizational policy, is a crime against humanity. **ICCPR 12** states *inter alia*: Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. **Y** The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. **Art. 12(1) AC** “Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.” **Art. 11(1) ICESCR** states that the Parties recognize: “the right of everyone to an adequate standard of living for himself and his family, including adequate food, housing and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right **Y**.”	displacement that is politically motivated. Forcible displacement by the GOS appears to be an objective of military action and persecution. It is also displacement designed to gain political and economic advantage. ?? Freedom of movement and residence may be suspended in times of genuine emergencies. However, derogation from these rights must not be in violation of *inter alia*, the right to life, the right not to be subjected to torture or cruel, inhuman or degrading treatment, the right not to be held in slavery or servitude, the right to freedom of thought, conscience and religion. In addition, the rights articulated in Art. 12 ICCPR may only be restricted for the particular “emergency” situations set out in subsection 3 (law, national security, public order etc.). ?? As stated above, the attacks on civilians by the GOS are in violation of the right to life. The abductions of women and children and the rape of women by the militias allied with the GOS violate among other rights, the right not to be subjected to cruel, inhuman or degrading treatment and the prohibition against slavery. Therefore , these attacks, the purpose of which is to forcibly displace the civilian population also violate the rights of freedom of movement and residence in Art. 12 ICCPR and Art 12(1) AC. ?? The Committee on Economic Social and Cultural Rights (the “Committee on ESCR”) has stated that “instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances and in accordance with the relevant principles of international law”

Section B B Humanitarian and Human Rights Law Issues Arising as a Result of Forced Displacement

Factual Circumstance	Applicable Law	Commentary
Detention in Open Camps Civilians, including women and children forcibly displaced by the GOS have been unlawfully detained and confined by the GOS to garrison towns in so-called APeace Camps@. The civilians are treated inhumanely, given no services and are required to find their own means of subsistence. Women who go out to gaher woods and grass to build shelters, food and water are often followed by members of GOS-armed militias, and may be raped and robbed of their wood, grass and food.	**Common Art. 3** obliges states in all circumstances to treat civilians humanely without adverse distinction and prohibits violence to life and person, cruel treatment and outrages upon personal dignity, in particular humiliating and degrading treatment. **Art. 4 Protocol** II requires that states in all circumstances treat all persons taking no active part in hostilities humanely. **Art. 9(1) ICCPR** AEveryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law@ **Art. 6 AC** AEvery individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily atested or detained@ **Art 10(1) ICCPR** AAll persons deprived of their liberty shall be treated with humanity and respect for the inherent dignity of the human person.@ **Art. 37(b) CRC** ANo child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of	?? According to Deng, the guarantees in Art. 5(1)(b) include food, drinking water, and protection against the weather and the dangers of the armed conflict, Ato the same extent as the local civilian population@. Although housing and clothing are not expressly mentioned, they may be inferred from the Aprotection against the rigours of the climate and the dangers of the armed conflic@. ?? Neither Common Article 3 nor Protocol II codifies the rules as to when civilians may be interned in an internal armed conflict. However, the deprivation of basic necessities to persons confined to theAPeace Camps@ is a violation of the requirement of Common Art. 3 and Art. 4Protocol II to treat persons taking no active part in the conflict humanely in all circumstances. ?? For the law relating to rape of women see above. ?? The Human Rights Committee has emphasized that this guarantee Aapplies to anyone deprived of liberty under the laws and authority of the State who is held in prisons, hospitals ... detention camps or correctional institutions or elsewhere@. ?? The lack of provision of shelter, food and water by the GOS as well as the theft of provisions gathered from, and rape of, the civilian women are violations of the requirement to treat persons deprived of their liberty with humanity and respect. ?? Detention of children in these camps is unlikely to meet the requirements of a measure of last resort and is therefore a violation of Art. 37(b) of the CRC. ?? Detention of civilians in these camps is also an infringement of the right of freedom of movement and freedom of residence set out in Art. 1

	time”. **Art. 12 ICCPR** (see above) **Art. 12(1) AC** (see above) **Art 5(d)(i) CERD** (see above)	ICCPR, Art. and 12(1) AC. ?? The detention of only non-Arab South Sudanese Christian/Animist civilians is also a violation of the prohibition of discrimination on the basis of race with respect to the right to exercise the freedom of movement and residence within the borders of one's own state.
Dispersal of family The indiscriminate attacks by the GOS and its allies on civilians and civilian areas including villages and temporary settlements of IDPs has caused civilians to flee. Many parents are unable to find and take all their children with them when such attacks occur. As a result, many families are separated. After attacks parents do not know if their children have fled to safety, have been killed or have been abducted.	**Art. 23 (1) ICCPR** “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State” **Art. 10(1) ICESCR** requires that parties recognize that: “The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children .” **Art. 18 AC** “The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral needs. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.” **Art. 24 (1) ICCPR** guarantees that: “Every child, wihout any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required	The effect of the GOS attacks on civilians and civilian areas is to cause the victims of the attacks to flee and in sodoing many families are separated. These attacks therefore violate the positive obligations incumbent on the GOS under the ICCPR, the ICESCR and the CRC, to protect the family unit, to protect children and to ensure that children are not separated from their families against the will of their parents.

	by his status as a minor, on the part of his family, society or the State.● **Art. 7 (1) CRC** states inter alia that the child, Aas far as possible, has the right to know and be cared for by his or her parents●. **Art. 9 CRC** provides inter alia: States Parties shall ensure that a child is not separated from his or her parents against their will, except where competent authorities subject to judicial review determine in accordance with applicable law and procedures, shat such separation is necessary in the best interests of the child. **Y** Where such separation results from any action initiated by a State party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. **Y●**	

Forced to abandonment of livelihood of cultivating land, keeping crops and livestock The GOS attacks on civilians and civilian areas have forced people to flee these areas. In fleeing these civilians have been forced to abandon their livelihood of keeping crops and tending livestock. GOS forces and militia have often stolen livestock and	**Article 6 ICESCR** AThe States Parties to the present Covenant recognize the right to work, which includes the right everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right●	?? Inasmuch as the GOS attacks are aimed at forcefully displacing the civilians, such attacks also force these persons to abandon against their will their traditional form of livelihood. These attacks, therefore, also violate the right of these persons to make their living as they have chosen to do. These attacks are also contrary to the obligation incumbent on the GOS to Atake appropriate steps to safeguard this right.

destroyed crops. Even if these civilians are able to return to their village after the hostilities have ceased, the crops are often destroyed or ruined from lack of attention and the livestock is gone. The general climate of insecurity created by the attacks often prohibits these civilians from planting more crops.		

Denial of access to humanitarian/medical assistance The GOS have denied and continue to deny flight access in certain areas of the WUN to WPF and other NGOs who provide food assistance to IDPs inside Southern Sudan. In particular access is currently denied in the areas of Ruweng County and Unity State in and around the oil fields which have been subject to major GOS offensives. The indiscriminate attacks by the GOS and its allies on civilians and civilian areas including villages and temporary settlements of IDPs has caused civilians to flee.	**Customary International Law and Art. 14 Protocol II** (see above) prohibit starvation of civilians as a method of warfare. **Common Art. 3(2)** requires that the parties to the conflict parties to collect and care for the wounded and sick without conditions. It further states: An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict	?? International humanitarian law recognizes the right to humanitarian access. Frequent GOS flight bans to areas where displaced persons are concentrated may constitute a violation of the right of those civilians to humanitarian access. ?? In addition, these flight bans mean that humanitarian organisations have no ability to provide food and other assistance to the population of IDPs. As a result many of these IDPs have no means of subsistence. This is tantamount to using hunger as a weapon and violates the customary international law rule (noted above) which prohibits the use of starvation as a method of warfare. ?? According to the ICRC, fear of diversion of food aid to enemy forces provides no legal justification for refusing passage offood aid. ?? The wounded and sick displaced persons who fall under the control of a party to the conflict are entitled to medical care, whether or not they previously committed hostile acts. ?? Deng suggests that inasmuch as es article 7 of Protocol II merely clarifies and elaborates on the pre-existing duty in common article 3 to provide the wounded and sick with medical care, it should be regarded as

Civilians have fled to the swamps, to other villages and to temporary settlements. Because of the lack of food, shelter, clothing, clean water and mosquito nets, many IDPs have fallen ill and are dying. In particular, the children and elderly are most vulnerable to disease and death. As mentioned above, in the course of these attacks on civilians and civilian areas the GOS has destroyed and looted NGO compounds. These attacks and the monitoring of the radio network of one organisation has resulted in humanitarian organisations pulling their operations out of certain areas in the WUN because they are too dangerous.	**Art. 7(2) Protocol II** AIn all circumstances [the wounded and sick] shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones.● **The Statute of the ICC** lists as a war crime in internal conflicts: intentionally directing attacks against medical units; intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance mission, as long as they are entitled to the protection given to civilians or civilian objects under the law of armed conflict and; intentionally directing attacks against hospitals and places where the sick and wounded are collected, provided they are not military objectives.	customary law. ?? The GOS acts which prevent access by humanitarian workers and their attacks on IDPs some of whom are sick and wounded violate the fundamental obligations in Common Art. 3, Art. 7(2) Protocol II, Art 17(1) Protocol II (see above) and customary international law. ?? Deng further states that although Common Art. 3 is silent on the question of access by relief workers to persons in need once the state party has consented to offers of humanitarian relief,A[c] onsent to such access, which is indispensable to the provision of relief, must be presumed from the acceptance of the organizations offer of humanitarian services●. ?? Common Art. 3 does not expressly provide for protection of humanitarian relief workers or their relief bases or compounds. However, as persons who are taking no active part in the conflict, these workers are protected under Common Art. 3 and customary international law. Thus, the GOS bombing and destruction of the Medair compound violates both Common Art. 3 and the rule of customary international law which prohibits attacks against civilian and civilian objects. ?? The Committee on ESCR has stated that he deprivation of any significant number of persons Aof essential primary health care● constitutes a violation of the Covenant unless the State concerned can demonstrate Athat every effort has been made to use all resources that are at its disposition●.
	Art. 12 ICESCR The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the SatesParties **Y** to achieve the full realization of this right shall include **Y** (c) the prevention, treatment and control of epidemic, endemic, occupational or other diseases; (d) the creation of conditions which assure to all medical service and medical attention in case of sickness."	?? The continuing attacks by the GOS on civilians and civilian areas make it too dangerous for humanitarian workers to operate in certain areas in the WUN and in particular in much of Ruweng County and Unity State. As a result the civilian population which is in dire need of humanitarian assistance (both medical attention and food) is deprived of this necessary aid. This is therefore also a violation of the GOS obligations under the ICESCR, the AC and the CRC to ensure that civilians **C** men, women, children and the elderly **C** have access to and receive necessary medical treatment.

	Art. 16 AC Every individual shall have the right to enjoy the best attainable state of physical and mental health. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. **Art. 5(e)(iv) CERD** requires States parties to guarantee to each person, without discrimination, equality in the enjoyment of the right to public health, medical care and social services. **Art. 24 CRC** States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.(20 States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures (a) to diminish infant and child mortality; (b) to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary heath care; (c) to combat disease and malnutrition, including, within the framework of primary health care **Y** through the provision of adequate nutritious foods and clean drinking water**Y**. **Art. 18 AC** **I**The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.	

Denial of access to food, water clothing and housing	**Common Art. 3** (see above)	?? Deng points out that while the rights to food and water are not explicitly mentioned in Common Art. 3, these rights, to the extent they are

These civilians, once displaced have no yield from crops, no seeds to plant and the climate of insecurity inhibits cultivation in any case. Those who have fled to the swamps are often without fishing equipment. Without food those people are reliant on humanitarian food drops, grass and leaves for survival. Displaced civilians build temporary tukuls or hide in the swamps for shelter. Many IDPs have lost their clothing and personal possessions through looting and being forced to flee from their homes.	**Art. 6(1) ICCPR** (See above) **Art. 4 AC** (See above) **Art. 6 CRC** (See above) **Art. 11(1) ICESCR** (See above) **Art. 11(2) ICESCR** "The States Parties to the present Covenant recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; Taking into account the problems of both foodimporting and food-exporting countries, to ensure and equitable distribution of world food supplies in relation to need. **Art. 27 CRC** provides that *inter alia*: State Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. Y States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing."	necessary for survival, should be regarded as inherent in the guarantee of humane treatment contained in Common Art. 3. ?? Forcible displacement of the civilians in the WUN which *inter alia* prevents these persons from cultivating, and producing food necessary for survival violates the right to be free fromhunger and, in addition violates positive obligations incumbent on the GOS under Art. 11 ICESCR. ?? According to the Committee on ESCR, a "State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant" unless it can "demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations". In addition the Committee noted that the human right to adequate housing is of central importance to the enjoyment of all economic, social and cultural rights and it dismissed a "narrow or restrictive" interpretation of the right in favour of one viewing it as a "right to live somewhere in security, peace and dignity". ?? The right to be free from hunger relates to the non-derogable right to life. Inasmuch as the actions of the GOS against the civilian population are the cause of widespread hunger, starvation, sickness and death, they violate the fundamental non-derogable right to life, theright to an adequate standard of living including adequate food and housing as prescribed in Art. 11(1) ICESCR, as well as the right of "every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development". ?? According to the Human Rights Committee protection of the right to life requires positive measures.